



Staff Report to the Weber County Commission

Weber County Planning Division

Synopsis

Application Information

Application Request:	Public hearing to discuss and/or take action on an application to amend the Form-Based Village zoning ordinance along with other sections of the Weber County Land Use Code to add provisions and exhibits intended to create a Nordic Valley Village Area.
Applicant:	Skyline Mountain Base
Agenda Date:	Tuesday, July 19, 2022
File Number:	ZTA 2021-07
Frontier Web Address:	https://frontier.co.weber.ut.us/p/Project/Index/13886

Staff Information

Report Presenter:	Scott Perkes sperkes@webercountyutah.gov (801) 399-8772
Report Reviewer:	CE

Applicable Ordinances

- §101-2: Definitions
- §104-22: Form-Based Village Zone (FBV)
- §106-2-2: Street Standards

Summary and Background

The County recently received an application by Skyline Mountain Base to create a smaller Destination And Recreation Resort Zone (DRR-2), as opposed to the existing DRR-1 zone, in order to create the regulatory framework to which their property could be rezoned. In reviewing this request, County staff ultimately recommended that the applicant pursue an amendment to the recently adopted Form-Based Village (FBV) zoning classification as the County's preferred regulatory framework to achieve the desired outcome for their property.

Following this staff recommendation, the applicant spent the past several months working and negotiating with staff to identify adjustments needed within the FBV ordinance, along with other sections of the Weber County Land Use Code, to accommodate their vision.

The attached ordinances (**Exhibits A and B**) provide for two alternative amendment scenarios to the FBV ordinance. Scenario A (**Exhibit A**) is identical to Scenario B (**Exhibit B**) with exception to the Moderate-Income Housing requirements listed in the proposed Sec. 104-22-11. Both scenarios A and B require that on-site moderate-income housing be incorporated into any form-based village area development. That said, Scenario A is drafted with a 10% on-site moderate-income housing requirement, while Scenario B is drafted with a 5% requirement.

Policy Analysis – Form-Based Village Zoning Ordinance Amendments

Policy Considerations:

Form-Based Village Zone (FBV) Amendments (See Exhibit A):

Definitions:

Various definitions have been added and/or modified. For example, dwelling types, such as “three-family” and “four-family dwellings” have added definitions that were previously absent from the Definitions section.

Land Use Table:

One of the largest changes to the FBV ordinance entails the expansion and recategorization of the land use table. The previous table adopted to govern the uses within the New-Town and Old-Town Villages made specific reference

to only a handful of uses while referencing the uses outlined in the CV-2 zone also applying to any property in the FBV zone. The proposed table imports the uses from the CV-1, CV-2, and CVR-1 zones. As such, the table is much larger, but simply consolidates all of the commercial zoning uses into a single table within the FBZ ordinance rather than simply referencing the other commercial zones. With all of the commercial uses consolidated into a single table, staff took the opportunity to categorize uses by industry sector and street type in addition to cleaning and thinning the overall table. Staff also took this opportunity to make some adjustments to the permitted, non-permitted, and conditional uses to better fit within the Form-Based Village context.

Addition of Special Regulation Sections:

In addition to porting over the uses from the other commercial zoning classifications, we also ported over the special regulations associated with various land uses as well to further clarify the context in which some uses are either permitted or conditionally permitted.

Addition of a Medium-Lot Residential (MLR) and Estate-Lot Residential (ELR) Street Types:

In the originally adopted FBV ordinance, street types for single-family residential skipped from Small-Lot Residential (SLR) (6,000 sq. ft.) straight to Large-Lot Residential (LLR) (20,000 sq. ft.). The proposed amendments add a Medium-Lot Residential (MLS) street type and shuffles around the other street types to fit it into the stratification. By doing so, a Small-Lot Residential (SLR) lot starts as low as 3,000 sq. ft., with Medium-Lot Residential (MLR) starting at 8,000 sq. ft. From there, Large-Lot Residential (LLR) stays at 20,000 sq. ft. However, from there we changed the previous “Very Large Lot Residential (VLLR)” descriptor to “Rural Residential (RR)” and kept the 40,000 sq. ft. lot size. Lastly we changed the previous “Rural Residential (RR) descriptor to “Estate Lot Residential (ELR)” and kept the 3 acre lot size. See **Figure 1** below for a side-by-side comparison of these street types and lot areas:

Figure 1: Street Types and Lot Area Comparison

Previous Street Types & Lot Areas:

STREET TYPE:	MINIMUM LOT AREA:
Government and Institutional (G/I)	None
Vehicle-Oriented Commercial (VOC)	
Mixed-Use Commercial (MUC)	
Multi-Family Residential (MFR)	
Small Lot Residential (SLR)	6,000 square feet
Large Lot Residential (LLR)	20,000 square feet
Very Large Lot Residential (VLLR)	40,000 square feet
Rural Residential (RR)	3 acres
Open Space (OS)	None

Proposed Street Types & Lot Areas:

STREET TYPE:	MINIMUM LOT AREA:
Government and Institutional (G/I)	None
Vehicle-Oriented Commercial (VOC)	
Mixed-Use Commercial (MUC)	
Multi-Family Residential (MFR)	
Small Lot Residential (SLR)	3,000 square feet
Medium Lot Residential (MLR)	8,000 square feet
Large Lot Residential (LLR)	20,000 square feet
Rural Residential (RR)	40,000 square feet
Estate Lot Residential	3 acres
Open Space (OS)	None

Adjustments to Development Standards and Street Cross Sections:

Minor adjustments to the development standards were made to accommodate for the addition of the Medium-Lot Residential (MLR) street type as well as to facilitate development within topographically challenged areas.

Height Allowances:

The height table has been simplified and made applicable to all village areas. The proposal raises the maximum building height from 45 feet to 50 feet on Governmental & Institutional (G&I), Vehicle-Oriented Commercial (VOC), Mixed-Use Commercial (MUC), and Multi-Family Residential (MFR) streets.

Addition of Specific Nordic Village Design Standards:

Similar to New-Town and Old-Town Eden, the proposal defines specific design and architectural standards for the Nordic Village area. The overall theme chosen by the applicant for the Nordic Village is that of a “modern interpretation of alpine design” that includes a balance between modern alpine and classical alpine design features.

Clustering of Street Trees:

The proposal allows for street trees in the Nordic village to be clustered in groups of not more than 10 trees as opposed to being evenly distributed down a right-of-way at a rate of 1 tree per 50 linear feet.

Round-a-bout Standards:

As depicted on the street regulating plan, development may require the dedication and improvement of round-a-bouts with a diameter of at least 110-feet when required by the County Engineer.

Addition of a Specific Nordic Village Street Regulating Plan:

Similar to the existing street regulating plans for New-Town and Old-Town Eden, the proposed amendment adds a street regulating plan that is specific to a Nordic Village area. This plan focuses Mixed-Use Commercial (MUC) at the heart of the Nordic Ski area along Nordic Valley Way near the existing white barn, while providing a waning transect with lower intensity development radiating further outwards from the core village area.

The street regulating plan for New Town and Old Town Eden have also been updated to incorporate a medium-lot residential classification.

Adjustments to the Parking Standards:

An adjustment to the language would allow for parking lots to be improved with a hard surface, other than asphalt or concrete, as approved by the County Engineer and local fire authority. The proposal also adds parking structure standards and cross-access easement requirements.

Transferable Development Rights:

The proposal clarifies the base density of property being rezoned to the Form-Based Village zone as the same density that was allowed under the property’s prior zoning classification. Rezoning property to the Form-Based Village Zone does not classify an “upzone”.

Moderate-Income Housing:

The 2016 Ogden Valley General Plan indicates that based on 2019 housing data, 4 out of every 10 (40%) new housing units would need to be affordable to moderate-income households in order to keep pace with the moderate-income housing growth trends of the County. Since 2019 we have seen many unprecidented changes in the housing market that have further deepened the affordability deficit. Looking ahead, the situation isn’t anticipated to improve based on the current market forces.

To address these concerns, recent legislation (SB34 – 2019 & HB462-2022) has required that the County take additional steps to realistically plan for the provision of moderate-income housing within the County. Additionally, the state has provided a list of strategies from which the County is required to select a minimum of 3 to implement in our general plan. One of these implementation strategies is to require 10% of new development to be set aside as housing that is affordable to households with incomes equivalent to 80% of the Area Median Income. While this particular implementation strategy is not currently mandated by the State, staff believe this strategy to be one of the most effective methods of ensuring needed housing is brought to fruition.

The creation of Form-Based Village areas present many advantages to accommodating moderately-affordable housing units such as close proximity to services and amenities, reduced/eliminated commuting trips into/out of the valley, and better live/work balance for the residents.

In discussing this topic with the applicant and the Ogden Valley Planning Commission, it’s clear that simply mandating the development of moderately-affordable units is not financially feasible given land values and cost of basic materials. Consequently, additional incentivization in the form of an exemption from residential entitlements is likely needed in order to close the financial feasibility gap. This idea can be supported through the 2016 General Plan’s Land Use Implementation 1.1.1 strategy which reads in part: *“Bonus density should be used sparingly, and only in*

the event minimal bonuses can be leveraged for significant and meaningful advancement of the goals and principles of this plan.” It’s staff opinion that the provision of moderately-affordable housing represents significant and meaningful advancement of the goals and principles of the general plan and thereby should be considered an appropriate use of bonus density.

While considering this topic, the Ogden Valley Planning Commission concluded in their recommendation that the applicant be allowed to develop the equivalent of up to 5% of their residential units as moderately-affordable housing without having to utilize any of their residential entitlements. This recommendation represents an incentive, but falls short of a mandate. It also falls short of the state suggested strategy of requiring 10% of any development be set aside for moderately-affordable housing.

In consideration of the larger community-wide moderate-income housing issue, and the opportunities presented within the various village areas, staff recommends that at a minimum, a 5% incentive be utilized, however staff also recommends that this 5% incentive also be paired with a 5% mandate to ensure on-site housing comes to fruition. Moreover, as part of this recommendation, staff is also compelled to suggest that these ratios be elevated to the state recommendation of 10%. Or in other words, 10% of the development’s entitlements is required to be set aside for moderately-affordable housing. However, the development would also be incentivized by not requiring that the required 10% be deducted from their number of overall residential entitlements.

To facilitate consideration of both of these scenarios (5% vs. 10%), the attached ordinances (**Exhibits A and B**) provide for two alternative text amendment scenarios to the FBV ordinance. Scenario A (**Exhibit A**) is identical to Scenario B (**Exhibit B**) with exception to the Moderate-Income Housing requirements listed in the proposed Sec. 104-22-11. Both scenarios A and B require that on-site moderate-income housing be incorporated into any form-based village area development. However, Scenario A is drafted with a 10% on-site moderate-income housing requirement and incentive, while Scenario B is drafted with a 5% requirement and incentive.

Policy Analysis – Temporarily Terminal Streets Amendment

Additionally incorporated into this proposal is a second ordinance intended to address development along temporarily terminal streets or street routes (see **Exhibit C**). At present, the County’s Land Use Code prohibits more than 14 dwellings being constructed along a terminal (dead-end) street. This requirement stems from public safety concerns regarding a lack of emergency egress should an emergency arise in which the single access is blocked from egress. However, this language can also represent a challenge to future development along the terminal street that could otherwise allow the street to connect back into the public right-of-way system.

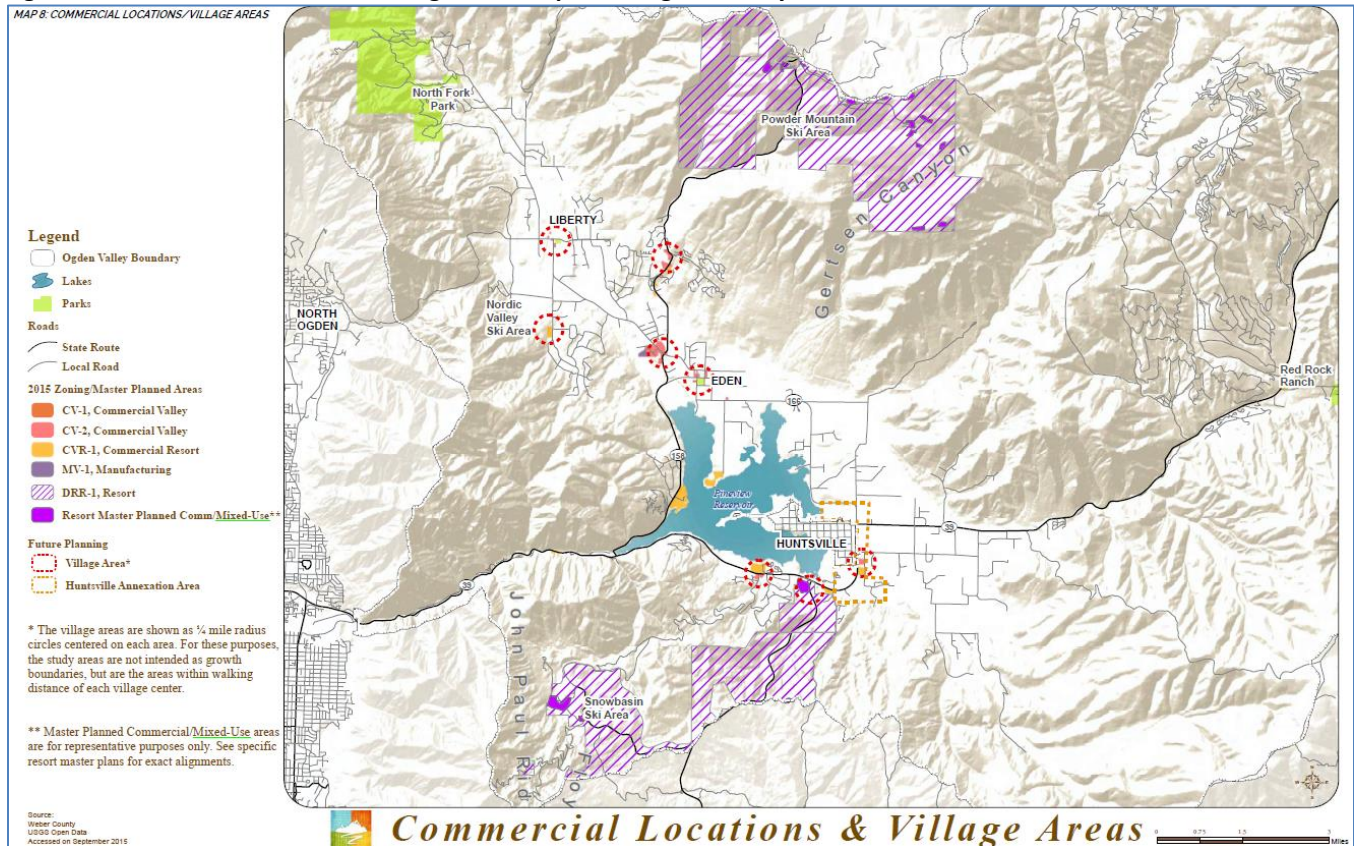
The proposed language attempts to address this issue by allowing up to 30 dwelling units along a temporarily terminal street when all of the following criteria are met:

1. The temporarily terminal street is planned to connect back into the public right-of-way system, as evidenced by a legislatively adopted planning document (general plan, small area plan, master streets plan, development agreement, etc.)
2. An emergency egress route has been secured and improved following approval by the local fire authority. This egress route is also required to follow the planned connection route outlined in a legislatively adopted planning document as described above.
3. A temporary turnaround is provided at the terminus of the temporarily terminal street meeting the requirements of the local fire authority and County Engineer.

Conformance to the General Plan

Generally, land use code changes should be vetted through the filter of policy recommendations of the applicable general plan. In 2016, the Ogden Valley General Plan was adopted after a significant public involvement process and received overwhelming support from Valley residents. See **Figure 2** below for the Commercial Locations & Village Areas map from the general plan.

Figure 2: Commercial Locations & Village Area Map, 2016 Ogden Valley General Plan



The proposed adjustments to the Form-Based Village zoning ordinance helps to implement numerous goals and objectives of the Ogden Valley General Plan including the following:

Land Use Implementation 1.1.1: Weber County will support the transfer of existing development rights (TDRs) as the primary means to increase densities in suitable project areas while proportionately decreasing density in other areas. Incentives – such as reduced road cross sections and other cost-saving measures for master-planned developments – should be proposed to reduce development intensities and as the primary means to incentivize the purchase and transfer of development rights. Bonus density should be used sparingly, and only in the event minimal bonuses can be leveraged for significant and meaningful advancement of the goals and principles of this plan. Development rights include residential (e.g. townhouses, single family detached units, etc.) and non-residential development rights (e.g. hotel units, accessory dwelling units, retirement center units, etc.).

Commercial Development Implementation 1.1.1: Prepare small area plans for each area designated as a village on Map 8 to describe their form and function (possible examples: highway oriented, mixed-use, resort, small neighborhood commercial, etc.). Small area plans should identify defining attributes and appropriate design standards, identify future potential adjacent expansion areas, and plan for multimodal and active transportation to and within each area, as may be appropriate. The village areas are shown as 1/4 mile radius circles centered on each area on Map 8. For these purposes, the study areas are not intended as growth boundaries, but are the areas within walking distance of each village center.

Commercial Development Principle 1.2: Focus on creating vibrant village areas. Encourage public spaces and plazas within villages that can accommodate cultural and social events and that can function as community gathering areas. Promote and extend the walkable, interconnected pattern in the Valley and extend non-motorized trails and pathways to commercial village areas.

Commercial Development Implementation 2.1.1: As part of small area planning, revise County design standards to adopt more detailed and specific commercial design standards that specify building materials, style elements, colors, dark sky lighting, walkability, landscaping, signage, open spaces, public features, and building height and orientation. Acceptable

style elements may include agrarian architecture, Old West or mine-town architecture, or mountain rustic architecture elements that are prevalent in Ogden Valley (Figure 16).

Commercial Development Implementation 2.2.1: Amend County ordinances to limit the maximum square footage of retail businesses in Ogden Valley, or develop design standards to mitigate negative visual impacts. Monitor the demand for additional retail sales in the Valley to determine a possible future need for larger retail businesses.

Transportation Principle 1.3: Support the development of on-street, street-adjacent, or street-alternative active transportation facilities and infrastructure in Ogden Valley as an integral part of the Valley's transportation system.

Streetscape Design Implementation 1.1.1: Develop and adopt multimodal streetscape cross sections for villages based on the small area plans referenced in Commercial Development Goal 1, and implement key elements during programmed road creation, maintenance, and upgrade projects. During small area planning, consider the need for traffic calming measures, reduced speed limits, consistent landscaping and lighting, and other public improvements.

Streetscape Design Implementation 1.1.3: Develop intersection designs that utilize roundabouts rather than stop signs and lights. Encourage UDOT to do the same.

Moderate-Income Housing Principle 1.1: Facilitate mix of housing types in new construction in keeping with neighborhood design standards and community sustainability.

Moderate-Income Housing Implementation 1.1.1: Support the Weber Housing Authority's role in developing mixed-use housing projects resulting in additional housing opportunities; where mixed-use development occurs, provide a variety of housing types; require resorts to comply with the Destination and Recreation Resort Zone provisions to establish a seasonal workforce housing plan and provide appropriate numbers of housing for employees; and investigate the potential for adding accessory dwelling units as an allowed use in the zoning ordinance.

Moderate-Income Implementation 1.1.2: Develop cluster ordinances that will allow for mixed housing types in compact areas consistent with village area locations on Map 8 and pursuant to small area plans referenced in Development Implementation 1.1.1.

Moderate Income Housing Implementation 1.1.3: Encourage the development of low-to moderate-income housing within or near established cities, towns and village areas in order to protect agricultural lands and provide open spaces within the unincorporated areas of Weber County.

Ogden Valley Planning Commission Action and Recommendation (Form-Based Village Amendment)

The Ogden Valley Planning Commission reviewed the proposed amendments in ZTA2021-07 during multiple work sessions and forwarded a positive recommendation following a public hearing held on April 26, 2022. Their positive recommendation was based on the following findings:

1. The changes are supported by the 2016 Ogden Valley General Plan.
2. The proposal serves as an instrument to further implement the vision, goals, and principles of the 2016 Ogden Valley General Plan.
3. The changes will enhance the general health and welfare of County residents.

Both of the attached ordinance scenarios are substantially similar to the language recommended by the Ogden Valley Planning Commission with exception to the following:

1. The Ogden Valley Planning Commission recommended that a licensed architect not be required for buildings in the form-based village areas. The attached ordinance scenarios differ from this recommendation by requiring a licensed architect to design all structures larger than a single or two-family residential dwelling.
2. As mentioned above, the Ogden Valley Planning Commission recommended that up to 5% of the residential entitlements associated with the Nordic Village be developed for moderately-affordable housing without those units

being deducted from a project's residential development rights. The attached ordinance Scenario B differs from this recommendation by not only incentivizing the 5%, but also mandating that 5% of the entitlements be set aside for moderate-income housing. Similarly, the attached Scenario A both incentivizes and mandates 10% of the entitlements be set aside for moderate-income housing.

Ogden Valley Planning Commission Action and Recommendation (Temporarily Terminal Streets Amendment)

The Ogden Valley Planning Commission reviewed the proposed amendments addressing temporarily terminal streets as part of file ZTA 2020-04 during multiple work sessions and forwarded a positive recommendation following a public hearing held on May 5, 2020. Their positive recommendation was based on the following findings:

1. That the proposal does not have negative effect on the general plans.
2. The proposal will not place unnecessary burden for offsite street improvements on any single land developer.
3. The proposal will ensure thoughtful and deliberate acquisition of public utility easements in a manner less impactful to land owners.
4. That the proposal is in the best interest of the health, safety, and welfare of the public.

Staff Recommendation

Staff recommends that the County Commission consider the recommendations outlined above by both staff and the Ogden Valley Planning Commission and adopt either Scenario A (Exhibit A: 10% Moderate-Income Requirement) or Scenario B (Exhibit B: 5% Moderate-Income Requirement) of the proposed form-based village ordinance amendments (ZTA 2021-07). Staff also recommends that the County Commission adopt the ordinance amending temporarily terminal street requirements (Exhibit C: Portions of ZTA 2020-04).

This comes with the following findings:

1. Both proposed ordinances serve to create the small area plan and regulatory framework needed to guide future development within the Nordic Village Area as depicted in, and supported by, the 2016 Ogden Valley General Plan.
2. The proposal serves as an instrument to further implement the vision, goals, and principles of the 2016 Ogden Valley General Plan.
3. The amendments will incentivize the growing need for various housing types within Weber County, including moderately-affordable housing.
4. The changes will enhance the general health and welfare of County residents.

Exhibits

- A. Scenario A - Form-Based Village Amendment Ordinance
- B. Scenario B - Form-Based Village Amendment Ordinance
- C. Temporarily Terminal Streets Amendment Ordinance (Portions of ZTA 2020-04)

**WEBER COUNTY
ORDINANCE NUMBER 2022-_____**

**AN AMENDMENT TO VARIOUS SECTIONS OF THE COUNTY’S LAND USE CODE TO CREATE
A NORDIC VILLAGE AREA WITHIN THE FORM-BASED VILLAGE (FBV) ZONE.**

WHEREAS, the Board of Weber County Commissioners has heretofore adopted land use regulations governing uses of land in unincorporated Weber County; and

WHEREAS, these land use regulations include a Form-Based Village Zoning ordinance (FBV), that establishes street classifications, land uses, architectural standards, and site development standards for specific village areas; and

WHEREAS, a private landowner located within the Nordic Village Area, as depicted within the 2016 Ogden Valley General Plan, requested an amendment to the Weber County Land Use Code to add specific provisions and exhibits intended to create a Nordic Village Area within the FBV zone; and

WHEREAS, on April 26, 2022, the Ogden Valley Planning Commission, after appropriate notice, held a public hearing to consider public comments regarding the proposed amendments to the Weber County Land Use Code, offered a positive recommendation to the County Commission; and

WHEREAS, on July 19, 2022, the Weber County Board of Commissioners, after appropriate notice, held a public hearing to consider public comments on the same; and

WHEREAS, the Weber County Board of Commissioners find that the proposed amendments herein substantially advance many goals and objectives of the 2016 Ogden Valley General Plan; and

WHEREAS, the Weber County Board of Commissioners find that the proposed amendments serve to create the necessary regulatory framework that will guide future development in the village areas of the FBV zone;

NOW THEREFORE, be it ordained by the Board of County Commissioners of Weber County, in the State of Utah, as follows:

SECTION 1: AMENDMENT. The Weber County Code is hereby *amended* as follows:

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Part II Land Use Code

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Title 101 General Provisions

...

Sec 101-2-2 A Definitions

[Amusement park.](#) The term “amusement park,” also referred herein as a “carnival operations,” means a facility, primarily located outdoors, that may include structures and buildings where there are various devices for entertainment, including rides, booths for the conduct of games or sale of items, and buildings for shows, entertainment, restaurants, and souvenir or gift sales.

...

Sec 101-2-5 D Definitions

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[Dude ranch.](#) The term “dude ranch” means a commercial vacation ranch operation that provides activities related to a ranch lifestyle, which may include camping, horseback riding, and wrangling, and

16 [which may also offer short-term rental accommodations for guests engaged in these activities.](#)

17 ...

18 **Dwelling.** The term "dwelling" means a building or portion thereof, which is constructed in compliance
 19 with the county's adopted building codes and designed as a place for human habitation, ~~except. This~~
 20 ~~does not include a hotel, or hotel room, condominium rental apartment hotel, (condo-tel), boardinghouse,~~
 21 ~~lodginghouse, tourist court or apartment court and meeting the requirements of title 108, chapter 15. The~~
 22 ~~term "dwelling" shall include manufactured home and modular home when the requirements of title 108,~~
 23 ~~chapter 14 are met.~~

24 [Dwelling, four-family.](#) The term "four-family dwelling," also referred to as a "quadplex," means a building
 25 arranged or designed to contain only four dwelling units with approximately the same floor area, and
 26 occupying one lot or parcel.

27 **Dwelling, group.** The term "group dwelling" means two or more dwellings arranged around a court.

28 **Dwelling, multiple-family (multi-family).** The term "multiple-family dwelling," ~~also referred to as a~~
 29 ~~"multi-family dwelling,"~~ means a building or portion thereof ~~used and/or~~ arranged or designed to ~~be~~
 30 ~~occupied by~~ contain more than four families dwelling units, including ~~an apartment houses~~ building and
 31 ~~apartment hotels, but not including tourist courts~~ condominium building.

32 **Dwelling, single-family.** The term "single-family dwelling" means a building ~~or portion thereof~~ arranged
 33 or designed to ~~be occupied~~ exclusively ~~by one family, the structure having~~ contain only one dwelling unit,
 34 unless specified otherwise by this Land Use Code, ~~and occupying one lot or parcel.~~

35 [Dwelling, single-family attached.](#) The term "single-family attached dwelling" means a building
 36 containing two or more dwelling units attached by a common wall or walls, where each dwelling unit is
 37 located on a separate lot. This is traditionally known as a townhome or townhouse.

38 [Dwelling, three-family.](#) The term "three-family dwelling," also referred to as a "triplex," means a building
 39 arranged or designed to contain only three dwelling units with approximately the same floor area, and
 40 occupying one lot or parcel.

41 **Dwelling, two-family (duplex).** The term "two-family dwelling" also referred to as a "duplex," means a
 42 building arranged or designed to ~~be occupied by two families, the structure having~~ contain only two
 43 dwelling units with approximately the same floor area, ~~and occupying one lot or parcel.~~

44 **Dwelling unit.** The term "dwelling unit" means any building or portion thereof that contains living
 45 facilities, including provisions for sleeping, eating, cooking and sanitation, ~~for not more than one family.~~

46 [Dwelling unit, condominium.](#) See "condominium dwelling unit."

47 [Dwelling unit, townhome.](#) See "single-family attached dwelling."

48 ...

49 Sec 101-2-6 E Definitions

50 ...

51 **Emergency services plan.** The term "emergency services plan" means a document that describes, in
 52 general, the emergency facilities and level of staffing that are part of (or will provide services to) a
 53 proposed resort. The plan is supplemental to an overall master plan and consists of but is not limited to
 54 the following sections: an executive summary, list of facilities (e.g., fire/sheriff) and phasing schedule
 55 describing emergency personnel staffing and anticipated time and general location of facility construction
 56 if applicable.

57 [Entertainment facility, indoor.](#) The term "indoor entertainment facility" means an indoor facility
 58 providing entertainment for a fee, including such activities as dance halls, theatrical productions, bands,
 59 orchestras, and other musical entertainment; bowling alleys and billiard and pool establishments; rinks,
 60 and racetracks; mini-golf course; coin or bill operated devices, membership sports and health clubs,
 61 swimming pools, riding academies, expositions, and game parlors.

62 [Entertainment facility, outdoor.](#) The term "outdoor entertainment facility" means an outdoor facility
 63 providing entertainment for a fee, including the same or similar activities as an indoor entertainment
 64 facility, and also including commercial facilities such as an arena; horse rides; tubing hill, or court or field

65 [sport oriented complex.](#)

66 **Estate lot.** The term "estate lot" means a lot within a subdivision, intended for the use of a dwelling unit,
67 that contains at least five and one-quarter acres.

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69 ...

70 **Sec 101-2-13 Lot Definitions**

71 **Lot.** The term "lot" means a parcel of land capable of being occupied by an allowed use, building or
72 group of buildings (main or accessory), and approved for human occupancy either full- or part-time;
73 together with such yards, open spaces, parking spaces and other areas required by this title and the
74 Land Use Code. ~~Such parcel shall also have frontage on a street or on a right-of-way approved by the~~
75 ~~planning director. Except for group dwellings and guest houses~~[Except when allowed otherwise in this](#)
76 [Land Use Code](#), not more than one dwelling structure shall occupy any one lot.

77 ...

78 **Chapter 104-22 Form-Based Village Zone FBV**

79 Sec 104-22-1 Purposes And Intent

80 Sec 104-22-2 Applicability

81 Sec 104-22-3 Land Use Table

82 Sec 104-22-4 Special Regulations For Specific Uses

83 Sec 104-22-5 Lot Development Standards

84 Sec 104-22-6 Building Design Standards

85 Sec 104-22-7 Street Types And Street Design

86 Sec 104-22-8 Street Regulating Plans

87 Sec 104-22-9 Parking

88 Sec 104-22-10 Signage

89
90 **Editors note:** *Ord 2021-16, adopted May 25, 2021, merged the MV-1, M-1, M-2, and M-3 zones into a*
91 *single chapter, removing them from Chapter 22, 23, 24, and 25, and placing them into Chapter 21. Ord*
92 *2022-04, adopted January 18, 2022, created the "Form-Based Village Zone" as set forth herein.*

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94 HISTORY

95 *Adopted by Ord. [2022-04](#) on 1/18/2022*

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97 **Sec 104-22-1 Purposes And Intent**

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99 The purpose and intent of the Form-Based Village Zone is to provide a form-based regulatory tool that
100 focuses on the public street design and the buildings that frame the public street. This deemphasizes
101 separation of land uses as is typically found elsewhere in this Land Use Code. Form-based regulations
102 help enable a mixture of allowed uses, multimodal active transportation, and enhanced building design.
103 Additionally:

- 104
105 (a) **Implements the general plan.** The Form-Based Village Zone regulations are intended to carry
106 out the objectives of the 2016 Ogden Valley General Plan through the implementation of form-
107 based small area zoning and transferable development rights.

- (b) **Creates street regulating plans.** Each Village area affected by the Form-Based Village Zone shall be governed by a Street Regulating Plan. The purpose of the Street Regulating Plan is to address specific design and functionality of streets and building facades along these streets. The intent is to stimulate the creation of buildings and streets that frame the public rights-of-way with architectural and design elements that are unified under a common design theme whilst enabling unique building facades.

HISTORY

Adopted by Ord. [2022-04](#) on 1/18/2022

Sec 104-22-2 Applicability

- (a) **New development to comply.** The principles, standards and guidelines of this chapter apply to proposals for new development, changes in land uses, and site improvements to existing buildings, lots, or parcels that are in the Form-Based Village Zone. Exterior modifications to existing development shall comply if the exterior modification exceeds either 25 percent of the street-facing facade of the building, or 25 percent of the lot's street frontage.
- (b) **Other regulations apply.** In the Form-Based Village Zone, except when more specific regulations are provided in this chapter, the CV-2 zoning regulations of [Section ChapterTitle 104 Chapter -20](#), and the design review regulations and architectural, landscape, screening, and design standards of [Section Chapters-Title 108 Chapter -1](#) and [Title 108 Chapter -2](#) apply to all lots, except a lot with only one single-family dwelling.
- (c) **Street regulating plan.** The applicable regulations herein are specific to the street type, as designated by the applicable street regulating plan. New development within the Form-Based Village Zone shall comply with the applicable street regulating plan. Development of any property along a street or that gains primary access from that street shall comply with the street design requirements, as provided in Section 104-22-7, and the building design standards in Section 104-22-6, for the specific type of street. A list and explanation of each street type is provided in Section 104-22-7.
- (d) **Effect of street regulating plan and graphics.** Details in a street regulating plan or any graphic in this chapter have no effect unless expressly provided by this chapter.

HISTORY

Adopted by Ord. [2022-04](#) on 1/18/2022

Sec 104-22-3 Land Use Table

~~The uses outlined in the CV-2 zone, as provided in Section 104-20, apply to any property in the FBV zone that has frontage to or gains access from a government/institutional, vehicle-oriented commercial, mixed-use commercial, or multifamily commercial street type. The following land use table provides additional~~[The following land use table provides](#) use regulations applicable for each street type. In the list, those designated for any street type as "P" will be a permitted use. Uses designated as "C" will be allowed only when authorized by a conditional use permit obtained as provided in Title 108, Chapter 4 of this Land Use Code. Uses designated "N" will not be allowed on property with frontage on, or that gains access from, that street type.

- (a) **Accessory uses.** [An accessory use is prohibited unless located on the same lot or parcel as the main use to which it is accessory.](#)



STREET TYPE	G&I	VOC	MUC	ME R	SL R	MLR	LL R	R R	EL R	CS	SPECIAL REGULATIONS
<u>Accessory building.</u> A building that is accessory and incidental to the use of a main building.	P	P	P	P	P	P	P	P	P	P	-
<u>Accessory dwelling unit.</u> A dwelling unit that is accessory to a single-family dwelling residential use.	N	N	N	N	P	P	P	P	P	N	See Chapter 108-19.
<u>Accessory use.</u> A use that is accessory and incidental to the main use.	P	P	P	P	P	P	P	P	P	P	-
<u>Agricultural hobby farm</u>	P	P	P	P	P	P	P	P	P	P	
<u>Family food production.</u> Family food production as an accessory use to a single-family dwelling residential use.	N	N	N	N	N	N	P	P	P	N	See Section 104-22-4.
<u>Home occupation.</u> A home occupation that is accessory to a residential use.	P	P	P	P	P	P	P	P	P	N	See Chapter 108-13.
<u>Household pets.</u> Household pets that are accessory to a residential use.	P	P	P	P	P	P	P	P	P	N	-
<u>Main building.</u> A main building that is designed or	P	P	P	P	P	P	P	P	P	P	-

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<u>used to be accessory to an outdoor main use allowed in the zone.</u>											
<u>Parking lot. A parking lot that is accessory to a main use allowed in the zone.</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	See Section 104-22-9.
<u>Produce stand, for produce grown on the premises only.</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Temporary building or use. A temporary building or use that is accessory and incidental to onsite construction work.</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	See Section 104-22-4.

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(b) Agricultural and open space uses, generally.

	G & I	CJK	CIM	RM	RI	RII	RIII	RIII	RIII	RIII	RIII	RIII	RIII	RIII	RIII	SPECIAL REGULATIONS
<u>Agriculture</u> , as a main use of the property.	N	N	N	N	N	N	P	P	P	P	P	P	P	P	P	-
<u>Agricultural experiment station.</u>	P	N	N	N	N	N	N	N	P	P	P	P	P	P	P	-
<u>Agri-tourism.</u>	N	N	N	N	N	N	N	N	P	P	P	P	P	P	P	See Title 108, Chapter 21.
<u>Aquaculture.</u>	N	N	N	N	N	N	N	N	P	P	P	P	P	P	P	-
<u>Botanical or community garden.</u> Open space land for the purpose of growing plants. This use may be for private use or open to the general public with or without a fee.	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-
<u>Fruit or vegetable stand, for produce grown on the premises only.</u>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-
<u>Fruit and vegetable storage and packing plant</u> , for produce grown on premises.	N	N	N	N	N	N	N	N	P	P	P	P	P	P	P	10-acre minimum lot area required.
<u>Grain storage elevator.</u>	N	N	N	N	N	N	N	N	N	P	P	P	P	P	P	10-acre minimum lot area required.
<u>Greenhouse and nursery.</u> Sales are limited to plants produced on the premises.	P	P	N	N	N	N	P	P	P	P	P	P	P	P	P	-
<u>Manure spreading, drying and sales.</u>	N	N	N	N	N	N	N	N	N	P	P	P	P	P	P	-
<u>Wildlife sanctuaries.</u> A wildlife sanctuary.	N	N	N	N	N	N	N	N	N	P	P	P	P	P	P	10-acre minimum lot area required.

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(c) Agricultural uses, animal-oriented. The following are animal-related uses that do not and shall not typically generate customer-oriented traffic to the lot or parcel.

	G & I	CJK	CIM	RM	RI	RII	RIII	RIII	RIII	RIII	RIII	RIII	RIII	RIII	RIII	SPECIAL REGULATIONS
<u>Animal grazing.</u> Animal grazing, as defined in Section ChapterTitle 101 Chapter -2.	N	N	N	N	N	N	P	N	P	P	P	P	P	P	P	See Section 104-22-4.
<u>Apiary.</u> The keeping of bees.	N	N	N	N	C	N	P	N	P	P	P	P	P	P	P	-
<u>Aquaculture, animal related.</u> The raising and potential harvesting of water animals or water plants.	N	N	N	N	N	N	P	P	P	P	P	P	P	P	P	-
<u>Aviary.</u> The raising of birds.	N	N	N	N	N	N	P	P	P	P	P	P	P	P	P	No onsite slaughtering permitted.
<u>Corral or stable.</u> A corral, stable, or building for the keeping of agricultural animals or fowl.	N	N	N	N	N	N	P	P	P	P	P	P	P	P	P	See Section 104-22-4.
<u>Dairy farm,</u> including milk processing and sale, when at least 50 percent of milk is produced on the farm.	N	N	N	N	N	N	P	P	P	P	P	P	P	P	P	10-acre minimum lot area required.

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(d) Amusement, entertainment, and recreation uses. The following are uses oriented toward providing amusement or entertainment for patrons.

	AG	OK	CE	FE	MS	TE	LF	IG	IF	CC	SPECIAL REGULATIONS
<u>Entertainment facility, large indoor.</u> An indoor entertainment facility. As defined in Title 101, Chapter 2, using greater than 20,000 square feet of floor area.	C	C	N	N	N	N	N	N	N	N	
<u>Entertainment facility, outdoor.</u> An outdoor entertainment facility, as defined in Title 101, Chapter 2.	C	C	N	N	N	N	N	N	N	N	
<u>Entertainment facility, small indoor.</u> An indoor entertainment facility, as defined in Title 101, Chapter 2, limited to no more than 20,000 square feet of floor area.	C	C	C	C	N	N	N	N	N	N	
<u>Amusement park.</u> Amusement park.	C	C	N	N	N	N	N	N	N	N	
<u>Amusement park, temporary.</u> An amusement park, circus, petting zoo, pony ring, or carnival that is conducted for no greater longer than one month.	P	P	P	C	N	N	N	N	C	C	
<u>Botanical or zoological garden.</u> A botanical or zoological garden, including petting zoo and pony ring.	P	P	P	P	P	P	P	P	P	P	2-Acre minimum lot or parcel area required.
<u>Campgrounds or picnic areas, commercial.</u> A commercial campground or picnic area.	N	N	N	N	N	N	C	C	C	C	See Section 104-22-4. 2-Acre minimum lot or parcel area required.
<u>Dude ranch.</u> A dude ranch, as defined in Title 101 Chapter 2.	N	N	N	N	N	N	N	P	P	C	10-acre minimum lot or parcel area required.
<u>Golf course.</u> Golf course.	N	N	N	N	N	N	P	P	P	P	This shall not include miniature golf.
<u>Private park, playground or recreation area, noncommercial.</u> A private park charging no fee or remuneration for use.	P	P	P	P	P	P	P	P	P	P	
<u>Public park, recreation grounds.</u> Recreation grounds that are owned and operated by a public entity.	P	P	P	P	P	P	P	P	P	P	
<u>Recreation lodge.</u> A recreation lodge, as defined in Title 101, Chapter 2.	P	P	P	P	P	N	N	N	C	N	
<u>Recreational resort.</u> A recreational resort, as defined in Title 101, Chapter 2.	P	P	P	N	N	N	N	N	N	N	
<u>Shooting range or training course.</u> A shooting range.	C	C	N	N	N	N	N	N	N	C	See Section 104-22-4. Five-acre minimum lot or parcel area required for an outdoor range.
<u>Ski area.</u> A ski area and associated skiing facilities such as lifts, lift towers, and ski runs and trails.	P	P	P	P	P	P	P	P	P	P	

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<u>Ski lodge and associated services</u>	N	N	P	P	N	N	N	N	N	P	<u>When accessory to an allowed ski area.</u>
<u>Swimming pools, private.</u> A private swimming pool.	P	P	P	P	P	P	P	P	P	P	-
<u>Trails.</u> Trails for skiing, equestrian uses, hiking, biking, and similar.	P	P	P	P	P	P	P	P	P	P	-
<u>Zoo.</u>	P	P	N	N	N	N	N	N	N	P	<u>10-acre minimum lot or parcel area required.</u>

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(e) Animal services and uses.

A-G	H-K	L-M	N-O	P-R	S-T	U-V	W-X	Y-Z	AA-AM	AN-AP
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SPECIAL REGULATIONS

<u>Animal groomery, small animal.</u> Grooming for small animals.	P	P	P	P	N	N	N	N	P	N	<u>A small animal generally weighs less than 250 lbs.</u>
<u>Animal shelter or pound.</u> A dog pound or shelter.	P	C	N	N	N	N	N	N	N	N	-
<u>Dog or cat facility.</u> Dog or cat breeding, kennels, lodging, or training school.	P	C	N	N	N	N	N	C	C	C	<u>If located completely indoors, and inaudible from an adjoining lot or parcel, this use is permitted where listed as conditional.</u>
<u>Horse or equestrian event center.</u> A horse or equestrian event center, including indoor concessions as an accessory use.	P	N	N	N	N	N	N	N	N	C	-
<u>Horse or equestrian training facility and stabling, commercial.</u> A commercial equestrian training facility or horse stable.	N	N	N	N	N	N	N	N	C	C	
<u>Stable for horses, noncommercial.</u> Horses shall be for noncommercial use only.	N	N	N	N	N	N	P	P	P	P	<u>No more than two horses shall be kept for each one-half acre of land used for the horses.</u>
<u>Stray animal shelter.</u> A shelter for stray, lost, or seized animals.	P	C	N	N	N	N	N	N	N	N	
<u>Veterinary facility.</u> Veterinary facility.	P	P	P	C	N	N	N	N	C	C	<u>If located completely indoors, and inaudible from an adjoining lot or parcel, this use is permitted where listed as conditional.</u>

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(f) Food, beverage, and other products sales for human consumption.

G & I CJOV CCM BMM RPS RLR LL BDB TRIF PFD SPECIAL REGULATIONS

Food Preparation and Services:												
<u>Alcoholic beverage production.</u> The production, manufacturing, brewing, and wholesale sales of alcoholic beverages.	P	P	N	N	N	N	N	N	N	N	N	-
<u>Bakery, delicatessen, or catering, large.</u> Bakery or other food preparation services primarily intended for offsite consumption.	P	P	N	N	N	N	N	N	N	N	N	-
<u>Bakery, delicatessen, or catering, small.</u> Bakery or small-batch food processing and retail sales of goods produced on premises, limited to 5,000 square feet floor area. Offsite catering allowed as an incidental and accessory use.	P	P	P	P	N	N	N	N	N	N	N	-
<u>Butcher or other custom meat products, large.</u> A shop in which meats are cut, prepared, cured, smoked, or wrapped for the purpose of sales onsite.	P	P	N	N	N	N	N	N	N	N	N	This use shall not include onsite slaughtering.
<u>Butcher or other custom meat products, small.</u> A shop in which meats are cut, prepared, cured, smoked, or wrapped for the purpose of sales onsite; limited to 5,000 square feet floor area.	P	P	P	P	N	N	N	N	N	N	N	This use shall not include onsite slaughtering.

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Eating and Drinking Establishments, Products Primarily for Onsite Consumption												
<u>Bar.</u> A bar or any other establishment where the primary purpose is the sales and onsite consumption of alcoholic beverages.	P	P	P	P	N	N	N	N	N	N	N	-
<u>Brewery or distillery in conjunction with a restaurant.</u>	P	P	P	P	N	N	N	N	N	N	N	-
<u>Restaurant with drive-up window.</u> Restaurant, all food types, with drive-up windows.	P	P	C	N	N	N	N	N	N	N	N	See drive up (drive-thru) window requirements of Section 104-22-4.
<u>Restaurant.</u> Restaurants, all food types, excluding those with drive-up windows.	P	P	P	P	N	N	N	N	N	N	N	-

Retail, Food, and Drug; Products Primarily for Offsite Consumption.												
<u>Candy or confectionary store.</u> The sales of candy, sweets, snacks, and small batch bakery goods and desserts.	P	P	P	P	N	N	N	N	N	N	N	-

<u>Drugstore or pharmacy.</u>	P	P	P	P	N	N	N	N	N	N	N	If applicable, see drive up (drive-thru) window requirements of Section 104-22-4.
<u>Grocery store.</u> A grocery store, including a store that specializes in the sales of any type of food normally found in a grocery store.	P	P	P	P	N	N	N	N	N	N	N	-
<u>Produce stand, commercial.</u> A commercial produce stand intended for the sales of agricultural products.	P	P	P	P	N	N	N	P	P	P	P	-

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(g) Government and institutional uses.

G	V	M	M	S	M	L	B	F	D	SPECIAL REGULATIONS
&	O	C	R	R	L	R	R	R	R	
T	C	C	R	R	R	R	R	R	R	

	G	V	M	M	S	M	L	B	F	D	
<u>Cemetery.</u>	P	P	P	P	P	P	P	P	P	P	-
<u>Convalescent, rest home, or sanitarium.</u> An establishment for long-term medical treatment of people.	P	P	P	P	P	N	N	N	N	N	-
<u>Child daycare.</u> A daycare center operating in compliance with State regulation.	P	P	P	P	P	N	N	N	N	N	-
<u>Fire station.</u> Fire and emergency medical service station.	P	P	P	P	P	P	P	P	P	P	-
<u>Governmental offices.</u> The offices of a governmental entity.	P	P	P	N	N	N	N	N	N	N	-
<u>Instructional facility, large.</u> A facility in which instructional lessons are taught, such as a school or education center, and that does not qualify as a small instructional facility.	P	C	C	N	N	N	N	N	N	N	-
<u>Instructional facility, small.</u> An indoor facility in which instructional lessons are taught, such as a school or education center, limited to 10,000 square feet floor area.	P	P	P	N	N	N	N	N	N	N	-
<u>Medical facility.</u> A facility, such as a hospital or surgery center, that provides medical services that are typically unavailable from a medical or dental office.	P	C	C	N	N	N	N	N	N	N	-
<u>Museum or art gallery.</u> A museum, art gallery, or similar space for historical or educational displays.	P	P	P	P	N	N	N	N	N	N	-
<u>Post office.</u> A post office.	P	P	P	P	P	P	P	P	P	N	-
<u>Preschool.</u> A preschool operating in compliance with State regulation.	P	P	P	P	P	P	P	P	P	N	-
<u>Public library.</u> A library owned and operated by a governmental entity.	P	P	P	P	P	P	P	P	P	N	-
<u>Public park.</u> A public park and related recreation grounds and associated buildings and structures.	P	P	P	P	P	P	P	P	P	P	-

Public recreation or community center. A recreation or community center owned and operated by a public entity.	P	P	C	C	N	N	N	N	N	N	N	-
Public schools. A public school or a private educational facility having a curriculum similar to that ordinarily given in public schools.	P	P	P	P	P	P	P	P	P	P	N	-
Public storage facilities. Storage facilities used by a governmental entity.	P	C	N	N	N	N	N	N	N	N	N	-
Visitors center. A tourism visitor's center or offices.	P	P	P	P	N	N	N	N	N	N	N	-
Worship facility. A church, synagogue or similar building used for regular religious worship.	P	P	P	P	P	P	P	P	P	P	N	-

164 (h) Office uses.

	1-B-G	2-D-K	3-D-E	4-D-E	5-D-S	6-D-M	7-D-L	8-D	9-D	10-D	11-D	SPECIAL REGULATIONS
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Agency. An agency for real estate, travel, property rental or management, insurance, detective, employment, or similar based on frequency of visiting clientele.	P	P	P	N	N	N	N	N	N	N	N	-
Bank or financial institution. A bank or other financial institution.	P	P	P	N	N	N	N	N	N	N	N	This use shall not include payday loan services.
Medical or dental office. A medical or dental office for routine out-patient care.	P	P	P	N	N	N	N	N	N	N	N	-
Office, generally. Office or studio space for office or studio uses not otherwise listed herein, in which goods or merchandise are not commercially created, exchanged or sold, and that operates with typical office equipment in a relatively quiet and nonintrusive manner.	P	P	P	N	N	N	N	N	N	N	N	-

165 (i) Residential uses.

	1-B-G	2-D-K	3-D-E	4-D-E	5-D-S	6-D-M	7-D-L	8-D	9-D	10-D	11-D	SPECIAL REGULATIONS
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Bed and breakfast dwelling. A bed and breakfast dwelling, as defined by Title 104, Chapter 2.	P	P	P	P	P	N	N	G	G	N	N	See Section 104-22-4.
Bed and breakfast inn. A bed and breakfast inn, as defined by Title 104, Chapter 2.	P	P	P	G	G	N	N	G	G	N	N	See Section 104-22-4.
Dwelling, single-family. A single-family dwelling, as defined by Title 104, Chapter 2.	N	N	N	N	P	P	P	P	P	N	N	See Section 104-22-4, and TDR requirements of 104-22-11.

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<u>Dwelling, two-family.</u> A two-family dwelling, as defined by Title 101, Chapter 2.	N	N	N	P	P	N	N	N	N	N	N	
<u>Dwelling, three-family.</u> A three-family dwelling, as defined by Title 101, Chapter 2.	N	N	N	P	P	N	N	N	N	N	N	
<u>Dwelling, four-family.</u> A four-family dwelling, as defined by Title 101, Chapter 2.	N	N	N	P	P	N	N	N	N	N	N	
<u>Dwelling, multi-family.</u> A multi-family dwelling, as defined by Title 101, Chapter 2.	P	P	P	P	N	N	N	N	N	N	N	
<u>Dwelling unit.</u> A dwelling unit or condominium dwelling unit, as defined by Title 101, Chapter 2 that is part of a commercial or multifamily dwelling building.	P	P	P	P	N	N	N	N	N	N	N	
<u>Hotel, motel, lodginghouse, condominium rental apartment (condo-tel) or timeshare condominium.</u> A hotel, motel, lodginghouse, condominium rental apartment (condo-tel), or timeshare condominium. † This use may include ing lockout sleeping rooms, as defined by Title 101, Chapter 2, as an accessory use.	P	P	P	C	N	N	N	N	N	N	N	-
<u>Residential facility for elderly persons.</u>	P	P	P	P	P	P	P	P	P	P	N	See requirements of 104-22-4, and TDR requirements of 104-22-11
<u>Residential facility for handicapped persons.</u>	P	P	P	P	P	P	P	P	P	P	N	See requirements of 104-22-4, and TDR requirements of 104-22-11
<u>Residential facility for troubled youth.</u>	P	P	P	P	P	P	P	P	P	P	N	See requirements of 104-22-4, and TDR requirements of 104-22-11
<u>Short-term rental.</u> A short-term (nightly) rental.	P	P	P	P	C	N	N	N	N	N	N	-
<u>Short-term rental, owner occupied.</u>	P	P	P	P	P	C	C	C	C	C	N	See requirements of 104-22-4.
<u>Workforce housing.</u> Workforce housing, dormitory, or residence hall, or portion thereof.	P	P	P	P	P	P	P	P	P	P	P N	Must comply with "dwelling" requirements of Section 104-22-4.

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(i) Sales with retail storefront.

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170

(l) Services.

	B&G	CJK	CIM	FIN	FIR	FIM	FIL	GIS	FIF	FID	SPECIAL REGULATIONS
<u>Dry cleaning, laundry, or linen cleaning establishment.</u> The professional cleaning of laundry and linens.	P	P	P	P	N	N	N	N	N	N	-
<u>Household item repair, large.</u> The repair or service of devices that the average person cannot carry without aid of a moving device.	P	P	N	N	N	N	N	N	N	N	-
<u>Household item repair, small.</u> The repair or service of devices that the average person can carry without aid of a moving device.	P	P	P	P	N	N	N	N	N	N	-
<u>Gathering facility, indoor.</u> An indoor facility for rental to clubs, private groups, parties, and organizational groups for recreational activities, including dancing.	P	P	P	P	N	N	N	N	N	N	-
<u>Laboratory.</u> A laboratory for the scientific processing, testing, experimenting, etc., of samples in small enough quantities to not be explosive, toxic, or otherwise hazardous.	P	P	P	N	N	N	N	N	N	N	-
<u>Laundromat.</u> A facility that provides washers and dryers for self-serve laundry service.	P	P	P	P	N	N	N	N	N	N	-
<u>Mortuary or funeral home.</u> Mortuary or funeral home and related sales and services.	P	P	P	N	N	N	N	N	N	N	-
<u>Outdoor recreation guide base-operation.</u> A location that provides a base of operations for an outdoor recreation guide service.	P	P	P	P	N	N	N	N	N	N	-
<u>Parcel drop-off service.</u> A service for the collection and shipment of small parcels, and accessory sales or services.	P	P	P	P	N	N	N	N	N	N	-
<u>Printing and copying service without retail shop.</u> Printing, lithographing, publishing or reproductions sales and services, including engraving and photo engraving.	P	P	N	N	N	N	N	N	N	N	-
<u>Tailor services.</u> The altering, pressing, or repairing of articles of clothing. Creation of new articles of clothing is permitted as long as the clothing is sold in an onsite retail establishment.	P	P	P	P	N	N	N	N	N	N	-
<u>Taxidermist.</u> Taxidermy services.	P	C	N	N	N	N	N	N	N	N	-

<u>Motor vehicles sales or rentals.</u> The rental or sales of motor vehicles not otherwise listed herein.	C	C	N	N	N	N	N	N	N	N	N	See Section 104-22-4.
<u>Parking lot or structure.</u> A parking lot or parking structure.	P	P	P	P	N	N	N	N	N	N	N	-
<u>Passenger vehicle repair or service of any kind.</u> The repair or service of any passenger automobile or any other motorized vehicle less than 10,000 lbs gross vehicle weight.	C	C	N	N	N	N	N	N	N	N	N	-
<u>Trailer sales or rentals.</u>	C	C	N	N	N	N	N	N	N	N	N	-
<u>Transit terminal.</u>	P	P	N	N	N	N	N	N	N	N	N	-
<u>Truck gas or refueling station.</u> A gas or refueling station oriented toward large freight vehicles, which may include a convenience store and an automatic carwash as an accessory use.	N	N	N	N	N	N	N	N	N	N	N	-
<u>Trucking terminal.</u> The repair, service, and/or storage of freight trucks, or a station for transferring freight.	N	N	N	N	N	N	N	N	N	N	N	-

174

175 **Editors note:** The color adjacent to each street type corresponds with the street colors on the
 176 streetregulating plan map(s). The color codes for each are as follows:

RGB	G&I	VOC	MUC	MFR	SLR	MLR	LLR	RR	ELR	OS
R	25	176	204	255	255	255	255	138	83	75
G	151	33	51	120	170	210	255	153	128	191
B	156	157	0	0	0	0	0	66	69	96

177 HISTORY

178 Adopted by Ord. 2022-04 on 1/18/2022

179

180 **Sec 104-22-4 Special Regulations**

181
182 **Sec 104-22-4.1 Special Regulations, Generally.**

183 (a) All uses, generally. All uses listed in the use table are indoor uses, unless specifically stated
184 otherwise. All indoor uses shall not generate noise, outdoor lighting, vibration, smoke, dust or
185 airborne particulate matter, refuse, or anything else that is uncommon to the established character
186 of the neighborhood to such a degree as to be perceptible to constitute a nuisance to the
187 occupants of the immediate area.

188 (a)(b) Drive up (drive-thru) window. Any business with a drive up (drive-thru) window
189 shall comply with the following:

- 190 (1) The window shall be located on the rear of the building. The rear of the building shall
191 be determined as the side of the building opposite from the building's facade that faces
192 the public street. If on a corner along a government or institutional street or vehicle-
193 oriented commercial street, the window may be located on the side of the building
194 that ~~can be~~ is visible from the less prominent street.
- 195 (2) The stacking lanes and drive up (drive-thru) queue, and the parking spaces devoted
196 to the drive up (drive-thru) window shall be located in an area that is not visible from the
197 more prominent street right-of-way when the area is fully built-out.
- 198 (3) One drive up (drive-thru) queue space that is at least 20 feet in length may substitute a
199 parking space required by this Land Use Code.

200 (c) Perpetual building maintenance agreement. When a building is set back less than ~~five~~ ten feet
201 from a property line, a perpetual building maintenance agreement is required between the
202 building owner and the affected adjacent property owner, which shall allow for construction and
203 maintenance of the side or rear of a commercial building, and shall:

- 204 (1) be reviewed for compliance with this section by the Planning Division and County
205 Attorney's Office;
- 206 (2) place responsibility on the building owner for prompt repairs and maintenance of the
207 side or rear of the building;
- 208 (3) require allowances of access to the property for repairs and maintenance purposes;
- 209 (4) be signed by the owner of the building and the adjacent property owner and be recorded
210 on the title of both properties.

211
212 **Sec 104-22-4.2 Special Regulations For Specific Uses.**

213 ~~Animal grazing.~~ This use shall not include the supplementary or full feeding of the animals,
214 ~~except when in compliance with the following:~~

- 215 ~~It may only be carried on during times that are reasonable and necessary due to lack of~~
216 ~~natural growing feed as a result of seasonal changes or extreme and temporary~~
217 ~~meteorological events.~~
- 218 ~~It shall not exceed a density of 25 head per acre of used land in the AV-3 and A-1 zones,~~
219 ~~and 40 head per acre of used land in the A-2 and A-3 zones.~~
- 220 ~~It shall not be closer than 75 feet to any dwelling, public or semi-public building on an~~
221 ~~adjoining parcel of land.~~

222 (a) **Automobile or other vehicle related uses.** The use of a lot for automobile repair of any
223 kind, automobile sales, rental or service, boat sales, rental or service, a tire shop, or any
224 other use governed by this section by reference shall only be conducted within a completely
225 enclosed building that meets the standards of this chapter.

- 226 (1) No vehicle awaiting service shall be stored outside for more than one day.
- 227 (2) Sufficient parking for all employee or customer uses, including the temporary parking of

228 vehicles awaiting pickup from owners, shall be provided on the lot.
229 (3) No vehicles associated with the use shall be parked on the street. However, up to 20
230 vehicles may be temporarily parked in a parking lot meeting all applicable parking
231 standards of this land use code if the vehicles are available for immediate purchase,
232 lease, or rent, and as long as all other standards of this Land Use Code are met.

233 (b) Automobile repair of any kind. Refer to paragraph (b) of this section.

234 ~~(b)(c)~~ Automobile sales, rentals, or service. Refer to paragraph (b) of this section.

- 235 ~~— Bed and breakfast dwelling. Bed and breakfast dwelling is subject to the following standards:~~
- 236 ~~— Two parking spaces shall be provided for the host family plus one space for each guest~~
- 237 ~~room;~~
- 238 ~~— Proprietor or ownerOwner shall occupy the property;~~
- 239 ~~— Meals shall only be served to overnight guests;~~
- 240 ~~— Signs are limited to a nameplate identification sign not exceeding two square feet in area~~
- 241 ~~per dwelling;~~
- 242 ~~— Not more than two guestsguest sleeping rooms per dwelling;~~
- 243 ~~— Allowed only in existing dwellings with no exterior additions nor change in residential~~
- 244 ~~character;~~
- 245 ~~— Business license shall be obtained.~~

Commented [CE21]: Removing

- 246 ~~— Bed and breakfast inn. A bed and breakfast inn is subject to the following regulations:~~
- 247 ~~— ProprietorHost or owner shall occupy the premises while guestguests are present;~~
- 248 ~~— Not more than seven sleeping rooms per inn.~~
- 249 ~~— Two parking spaces shall be provided for the host family plus one space for each guest~~
- 250 ~~sleeping room.~~
- 251 ~~— The guest parking shall be in the rear of the Inninn.~~
- 252 ~~— Meals shall be served to registered overnight guests only.~~
- 253 ~~— Signs are limited to one name plate or one identification sign of not more than eight~~
- 254 ~~square feet in area.~~
- 255 ~~— Design review approval, as provided in Title 108, Chapter 1 is required. The site shall be~~
- 256 ~~landscaped to provide a visual and noise buffer to adjoining property. A landscape plan~~
- 257 ~~shall be submitted with the design review application.~~
- 258 ~~— The inn shall be of a historic period or other distinguishable architectural style or design~~
- 259 ~~so as not to resemble the modern block motel appearance.~~
- 260 ~~— A business license shall be obtained.~~
- 261 ~~— All units shall be in one building, together with owner's or host's residence.~~
- 262 ~~— As an accessory and incidental use, small events, such as weddings, family reunions,~~
- 263 ~~business retreats, and art or cooking classes are allowed, provided they do not exceed~~
- 264 ~~75 participants and not more than four events held per calendar month.~~

265 (d) Boat sales or service. Refer to paragraph (b) of this section.

266 (e) Campgrounds or picnic areas, commercial. A commercial campground or picnic area shall
267 comply with Title 108, Chapter 20. If located along any street in the FBV zone except open
268 space, an opaque fence or wall shall surround the use. Vegetation screening shall be planted on
269 the outside of the fence or wall to allow the use to blend in with surrounding uses. A drip
270 irrigation system shall be installed to ensure long-term viability of the vegetation.

271 (f) Car wash. Where allowed, a car wash is subject to the following restrictions:

- (1) Operation hours are only allowed between 6:00 a.m. and 10:00 p.m.
- (2) There shall not be more than four washing bays for a manual spray car wash.
- (3) Car wash facilities shall be set back from the street right-of-way at least 60 feet, reserving street frontage for buildings that provide street-facing commercial facades.
- (4) The off-street vehicle spaces or queues required shall be as follows:
 - a. One bay car wash, four spaces in the approach lane;
 - b. Two bay car wash, three spaces in the approach lane for each wash bay;
 - c. Three or more bay car wash, two spaces in the approach lane for each wash bay.

(g) Corral or stable. This use shall be located no less than 100 feet from a public street and not less than 25 feet from any side or rear lot line

(e)(h) Dwelling or dwelling unit. The regulations for a dwelling unit use listed in the land use table are as follows:

- (1) Types of dwellings allowed. ~~The type of dwelling or~~ A dwelling unit allowed along any given street type is governed as provided Section 104-22-7 on a government and institutional, vehicle-oriented, mixed use commercial, or multi-family residential street shall be constructed to a multifamily residential standard in accordance with the International Building Code.

~~(a) Density allowance and transferable development rights. As provided in the Ogden Valley General Plan, the creation of dwelling units in the FBV zone shall not create any new density in the Ogden Valley Planning Area unless otherwise provided in this Land Use Code. To establish the residential dwelling unit rights that exist on a lot or parcel in the FBV zone, or to increase or decrease residential dwelling unit rights on a lot or parcel in the FBV zone, the following apply:~~

- ~~(1) For a lot or parcel rezoned to the Form-Based Village Zone from a zone that allows residential dwelling units, the base density shall be the same as the density that was allowed in the prior zone. This shall be documented by recording a covenant to the lot or parcel that provides a calculation of the base density. The covenant shall run with land, and be between the owner and the County.~~

- ~~(2)(1) Additional residential dwelling units are permitted on any lot that has street frontage on any street type in the street regulating plan except a rural residential street and a general open space street. However, no new density is allowed unless the landowner has successfully negotiated the reallocation of an equal number of dwelling unit rights from another lot or parcel that has an available dwelling unit right as determined by the lot or parcel's base density and adjusted for any previous dwelling unit right reduction or addition. The reallocation shall be made by recording a covenant to each affected lot or parcel. Each covenant shall run with the land and be between the owner and the County. Each covenant shall document the applicable lot or parcel's calculated base density; the number of dwelling units already developed on the lot or parcel; the number of dwelling unit rights subtracted from, or added to, the base density by any means; and the number of dwelling unit rights remaining for the lot or parcel.~~

- ~~(3)(1) Residential dwelling unit rights may be transferred to a lot or parcel in a FBV zone from any lot or parcel in the following zones within the Ogden Valley Planning Area: RE-15, RE-20, AV-3, F-5, FV-3, S-1, FR-1, FR-3, RMH-1-6, CVR-1, and FBV.~~

- ~~(4)(1) Regardless of number of residential dwelling unit rights transferred to a lot or parcel in the FBV zone, the number of dwelling units actually constructed shall be limited by what can be constructed given compliance with the standards of this chapter.~~

~~(4) Dwelling unit location.~~

- ~~(2) A dwelling unit is allowed above proposed along a government and institutional, vehicle-oriented commercial, or a mixed-use commercial street shall be located on a lot as follows:~~

- 322 a. Above any street-level commercial space; or
- 323 b. ~~A multi-family dwelling, where allowed, shall be located behind~~Behind a
- 324 building that provides street-level commercial space, or if no such building
- 325 exists at the time of application, behind the area reserved for street-level
- 326 commercial space as otherwise required herein. ~~The only exception to this rule~~
- 327 ~~is when it is located adjacent to a street designated for multi-family.~~ The
- 328 location shall provide for the existing and future planned street layout of the
- 329 area, including the future street-level commercial space that will face future
- 330 streets, and internal block alleyways.
- 331 (3) Two, three, four, and multi-family residential: Unless one of the units is owner
- 332 occupied, a two, three, four, or multi-family residential building shall be operated and
- 333 maintained by a professional management company that specializes in multi-family
- 334 residential property management.
- 335 (4) Density allowance and transferable development rights. No dwelling units in excess
- 336 of the base density, as defined by Title 101, Chapter 2, and as provided in Section 104-
- 337 22-11, are allowed in the form-based village zone except when in compliance with the
- 338 transferable development rights requirements of Section 104-22-11.
- 339 (i) Family food production.
- 340 (1) As used in this subsection, a Group A animal is either one pig, one sheep, one cow, or
- 341 one goat, and Group B animals or fowl are either a set of ten rabbits, ten chickens, ten
- 342 pheasants, five turkeys, five ducks, five geese, or five pigeons.
- 343 (2) No more than four sets of Group B animals or fowl may be kept on a lot or parcel that is
- 344 less than 40,000 square feet.
- 345 (3) No more than six combined sets of Group A animals and Group B animals or fowl may
- 346 be kept on a lot or parcel that is less than two acres. The same applies to a lot or parcel
- 347 greater than two acres, except that an additional six combined sets of Group A and
- 348 Group B animals or fowl may be kept per each additional acre greater than two.
- 349 (d)(i) Gas or fuel station. A gas or fuel canopy shall not be located closer to a public street
- 350 right-of-way, excluding a mid-block alley, than 60 feet. The canopy shall be located to the rear of
- 351 the convenience store associated with the canopy.
- 352 (k) General retail sales, small items. This use is any store that primarily retails or rents items to
- 353 be physically taken by the customer from the store, when those items weigh less than 80 lbs,
- 354 including product packaging, or that are small enough to fit in a typical passenger vehicle. The
- 355 use is limited to 4,000 square feet of retail floor-area. No sales yard is permitted. No sales of
- 356 items intended to be explosive or hazardous to human health, safety, or welfare is permitted.
- 357 (l) General retail sales, large items. This use is any store that primarily retails or rents items to be
- 358 physically taken by the customer from the store, when those items weigh more than 80 lbs,
- 359 including product packaging, or that are too large to fit in a typical passenger vehicle. This use
- 360 may include an outdoor sales yard of no greater than 6,000 square feet as long as it is completely
- 361 surrounded by an opaque wall. No sales of items intended to be explosive or hazardous to human
- 362 health, safety, or welfare is permitted.
- 363 (e)(m) ~~Office, commercial. Along mixed-use streets, commercial uses. A use listed in the "office~~
- 364 ~~space~~uses" table may only be located above or behind first-floor street-level commercial space,
- 365 reserving the street frontage for first-floor street-level commercial space. A local recreation and
- 366 tourism office devoted to providing services, information, and events primarily for visitors to the
- 367 Ogden Valley is exempt from this requirement provided that it is open and accessible to all
- 368 members of the public.
- 369 (n) Shooting range or training course, indoor or outdoor. The facility shall provide designated
- 370 shooting positions for which ballistic backstops are designed. No shooting is allowed except in
- 371 these designated shooting positions. All sides down range of a shooting position shall have a
- 372 non-ricochet ballistic backstop, including overhead and on the ground or floor, capable of
- 373 containing all errant bullets. For an outdoor range, the overhead backstop may be a series of

374 baffles. Approval shall be subject to the requirements and conditions of the local fire authority.
375 The range operator shall be onsite at all times shooting is occurring.

376 (o) **Short-term rental, owner occupied.** The residence shall be the owner's primary residence, be
377 taxed as such, and the owner shall have owned the residence for at least two years prior to
378 submitting a Land Use Permit for the owner-occupied short-term rental. Additionally, the owner
379 must be present at all times in which the property is being rented on a short-term basis.

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380 (p) **Self-storage.** Self-storage is only allowed if located on the same lot or parcel with a building that
381 has street-facing commercial space. The use shall comply with the following:

382 (1) Storage units shall be located behind or above building area that provides a first-story
383 street-facing commercial façade and related commercial space. The building providing
384 street-facing commercial space shall appear from the exterior as if office or residential
385 space is offered in the area housing the storage units.

386 (2) If located in a separate onsite building than the building providing first-story street-facing
387 commercial space specified in ~~Subsection (w)(1)~~ herein, the separate building shall be
388 located behind the building with first-story street-level commercial space, and shall be
389 no wider than the building providing first-story street-level commercial space.

390 (3) Storage unit bay doors or garage doors shall face away and not be visible from the
391 nearest property line, and shall be completely obscured from view from any public right-
392 of-way.

393 (q) **Temporary building or use.** The building or use shall be removed upon completion or
394 abandonment of the construction work.

395 ~~(r)~~ **Tire shop.** Refer to paragraph (a) of this section.

396 (s) **Vendor, short term.** No booth or vehicle shall be permanently affixed to the ground, nor shall it
397 be stationary for more than four days at a time.

398 HISTORY

399 *Adopted by Ord. 2022-04 on 1/18/2022*

400

401 **Sec 104-22-5 Lot Development Standards**

402 The following site development standards apply to a lot or parcel in the Form-Based Village Zone,
 403 unless specified otherwise in this Land Use Code. The table headers provide the street types, as
 404 described in Section 104-22-7, in abbreviated form. A lot fronting or gaining access from one of these
 405 street types shall be developed in accordance with the corresponding development standard.

406 (a) **Lot area.**

407

STREET TYPE:	MINIMUM LOT AREA:
Government and Institutional (G/I)	None No minimum
Vehicle-Oriented Commercial (VOC)	
Mixed-Use Commercial (MUC)	
Multi-Family Residential (MFR)	
Small Lot Residential (SLR)	6 3,000 square feet
Medium Lot Residential (MLR)	8,000 square feet
Large Lot Residential (LLR)	20,000 square feet
Very-Large Lot Rural Residential (VLLR RR)	40,000 square feet
Rural Estate Lot Residential (RR)	3 acres
Open Space (OS)	None No minimum

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408
 409
 410 (b) **Lot width and frontage.**

411

STREET TYPE:	MINIMUM LOT WIDTH AND STREET FRONTAGE:
Government and Institutional (G/I)	12 feet
Vehicle-Oriented Commercial (VOC)	
Mixed-Use Commercial (MUC)	
Multi-Family Residential (MFR)	
Small Lot Residential (SLR)	60 30 feet
Large Medium Lot Residential (LLR SLR)	100 50 feet
Very-Large Lot Residential (VLLR LLR)	150 100 feet
Rural Residential (RR)	150 feet

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Estate Lot Residential	
Open Space (OS)	No minimum, None

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(c) **Front lot-line setback.**

STREET TYPE:	FIRST-FLOOR STREET-LEVEL COMMERCIAL BUILDING FAÇADE		ALL OTHER BUILDING FAÇADES	
	MINIMUM FRONT LOT-LINE SETBACK:	MAXIMUM FRONT LOT-LINE SETBACK	MINIMUM FRONT LOT-LINE SETBACK:	MAXIMUM FRONT LOT-LINE SETBACK
Government and Institutional (G/I)	No minimum	5 feet, or 20 feet if providing public dining or gathering space.*	40 feet**	No maximum
Vehicle-Oriented Commercial (VOC)				
Mixed-Use Commercial (MUC)				
Multi-Family Residential (MFR)			5 feet	10 feet*
Small Lot Residential (SLR)	Not Applicable		5 feet	No maximum
Medium Lot Residential (SLR)	Not Applicable		20 feet	30 feet
Large Lot Residential (LLR)	Not Applicable		30 feet	No maximum
Rural Residential (RR)				
Estate Lot Residential				
Open Space (OS)				

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*This maximum front yard setback shall be waived if at least 90 percent of the lot's street front is already occupied by a similar building.

**Except for a public plaza, this setback distance shall remain clear from permanent building improvements or significant financial investments until or unless a first-floor street-level commercial building facade is constructed that meets the five-foot maximum building setback. Any parking provided in this area shall not be included in the overall parking calculations.

425 (d) *Side lot-line setback.*

STREET TYPE:	MINIMUM SIDE LOT-LINE SETBACK:	MAXIMUM SIDE LOT-LINE SETBACK:
Government and Institutional (G/I)	None, unless the side lot-line is within 10 feet of an agricultural or residential zone, in which case the setback is 10 feet. No minimum. See requirements of perpetual maintenance agreement in Section 104-22-4.1	No maximum one, however any space between buildings shall be open for pedestrian passage to internal block areas, unless designed, constructed, and actively used (when whether weather permits) for outdoor dining, shopping, or other street activities that are open to the public.
Vehicle-Oriented Commercial (VOC)		
Mixed-Use Commercial (MUC)		
Multi-Family Residential (MFR)		
Small Lot Residential (SLR)	105 feet	None No maximum
Large Medium Lot Residential (LLRMLR)		
Very Large Lot Residential (VLLRLLR)	10 feet	None No maximum
Rural Residential (RR)		
Estate Lot Residential (ELR)		
Open Space (OS)		

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426 (e) *Rear lot-line setback.*

STREET TYPE:	MINIMUM REAR LOT-LINE SETBACK:
Government and Institutional (G/I)	None No minimum. See requirements of perpetual maintenance agreement in Section 104-22-4.1 unless the rear lot line is within 10 feet of an agricultural or residential zone, in which case the setback is 10 feet.
Vehicle-Oriented Commercial (VOC)	
Mixed-Use Commercial (MUC)	
Multi-Family Residential (MFR)	
Small Lot Residential (SLR)	205 feet
Large Medium Lot Residential (LLRMLR)	3020 feet
Very Large Lot Residential (VLLRLLR)	30 feet
Rural Residential (RR)	
Estate Lot Residential	
Open Space (OS)	

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(f) **Lot coverage.**

STREET TYPE:	MAXIMUM PERCENT OF LOT COVERAGE BY BUILDINGS:	MAXIMUM NUMBER OF- RESIDENTIAL BUILDINGS <u>DWELLING UNITS</u> <u>ALLOWED PER LOT:</u>
Government and Institutional (G/I)	None <u>No maximum, provided compliance with all other requirements.</u>	None <u>No maximum</u>
Vehicle-Oriented Commercial (VOC)		
Mixed-Use Commercial (MUC)		
Multi-Family Residential (MFR)		
Small Lot Residential (SLR)	80 <u>85</u> percent	1* <u>4</u>
Large <u>Medium</u> Lot Residential (LLR <u>MLR</u>)	50 percent	1*
Very <u>Large</u> Lot Residential (VLLR <u>LLR</u>)	30 percent	1*
Rural Residential (RR)	20 percent	1*
<u>Estate Lot Residential</u>	<u>10 percent</u>	<u>1*</u>
Open Space (OS)	20 <u>2.5</u> percent	Not applicable

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*Not including an accessory dwelling unit, as provided in Section 108-19.

Loading and unloading. Each building anticipated to receive deliveries from a truck that has a gross vehicle weight greater than 26,000 lbs shall be provided with an off-street loading and unloading area behind the building.

Building location. Each building shall be located on a lot in a manner that preserves space for the extension of street rights-of-way as shown in the street regulating plan, and the lot's respective setback standard.

HISTORY

Adopted by Ord. 2022-04 on 1/18/2022

Sec 104-22-6 Building Design Standards

455 [Sec 104-22-6.1 Building Design Standards Per](#)
 456 [Street Type](#)

457 [Sec 104-22-6.2 Building Design Standards By](#)
 458 [Village Area](#)

459
 460 HISTORY

461 *Adopted by Ord. [2022-04](#) on 1/18/2022*

462
 463 **Sec 104-22-6.1 Building Design Standards Per Street Type**
 464

465 The follow table provides regulations applicable to all buildings in the FBV zone. They are broken out by
 466 street type, as represented in the applicable street regulating plan.

467
 468
 469 (a) **Height.**

STREET TYPE:	MINIMUM BUILDING HEIGHT LOT IN NORDIC VALLEY-VILLAGE-AREA CORNER LOT CORNER LOT INTERNAL LOT	MAXIMUM BUILDING HEIGHT LOT IN NORDIC VALLEY-VILLAGE-AREA CORNER LOT CORNER LOT INTERNAL LOT
Government and Institutional (G&I)		
Vehicle-Oriented Commercial (VOC)	25 feet 40 feet One-story 35 feet	55 feet 45 feet 35 feet 50 feet
Mixed-Use Commercial (MUC)		
Multi-Family Residential (MFR)		
Small Lot Residential (SLR)		
Large Medium Lot Residential (LLR MLR)	One-story One-story	35 feet
Very-Large Lot Residential (VLLR LLR)		
Rural Residential (RR)		

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Estate Lot Residential		
Open Space (OS)	None	25 feet 25 feet, except a greater height is allowed for a grain storage elevator or similar agriculturally supportive use.

470
471 *A lot on the corner of a mid-block alley, as illustrated on the applicable street regulating plan, is not a
472 corner lot for the purpose of this table.
473

474 (b) **Building area.**

STREET TYPE:	MINIMUM LOT AREA: MAXIMUM BUILDING FOOTPRINT:
Government and Institutional (G&I)	30,000 square feet*
Vehicle-Oriented Commercial (VOC)	
Mixed-Use Commercial (MUC)	10,000 square feet
Multi-Family Residential (MFR)	None
Small Lot Residential (SLR)	
Large Medium Lot Residential (LLR MLR)	
Very Large Lot Residential (VLLR LLR)	
Rural Residential (RR)	
Estate Lot Residential	
Open Space (OS)	

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476
477 *Government buildings and schools are exempt from building area maximum.
478

479 (c) **First-floor building standards.**

STREET TYPE:	VERTICAL DISTANCE OF FIRST-FLOOR SURFACE ELEVATION FROM THE STREET SIDEWALK'S SURFACE ELEVATION*:	MINIMUM FIRST-FLOOR STORY HEIGHT	FIRST-FLOOR LOAD-BEARING SUPPORTS

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Government and Institutional (G&I)	30 inches maximum.	12 feet	Columns and beams, no interior load bearing walls. A column shall be at least 10 feet away from another column or exterior load-bearing wall.
Vehicle-Oriented Commercial (VOC)		+615 feet	
Mixed-Use Commercial (MUC)			
Multi-Family Residential (MFR)	5 feet minimum, except 0 feet <u>30 inches</u> for building area to be used for commercial purposes.	10 feet, except +615 feet for areas of the first floor to be used for commercial space.	For commercial area, same as MUC. Not applicable for residential parts of the building.
Small Lot Residential (SLR)	Not applicable	Not applicable	Not applicable
Large Medium Lot Residential (LLR/MLR)			
Very Large Lot Residential (VLLR/LLR)			
Rural Residential (RR)			
Estate Lot Residential			
Open Space (OS)			

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Main-entrance-recess-from-facade

STREET TYPE:	BUILDING FACADE FOR FIRST FLOOR STREET LEVEL COMMERCIAL AREA SHALL HAVE A MAIN ENTRANCE THAT IS RECESSED FROM THE FACADE BY NO LESS THAN:
Government and Institutional (G&I)	5 feet
Vehicle-Oriented Commercial (VOC)	
Mixed-Use Commercial (MUC)	
Multi-Family Residential (MFR)	Not applicable
Small Lot Residential (SLR)	
Large Lot Residential (LLR)	

Very Large Lot Residential (VLLR)	
Rural Residential (RR)	
Open Space (OS)	

483

484

(d) **Transparent fenestration requirements.**

STREET TYPE:	MINIMUM FENESTRATION FOR THE FIRST STORY FACADE OF A BUILDING - FACADE FOR FIRST STORY...		MINIMUM FENESTRATION FOR THE SECOND STORY AND ABOVE BUILDING FACADE FOR SECOND STORY AND ABOVE...	
	STREET-FACING:	ALLEY-FACING:	STREET-FACING:	ALLEY-FACING:
Government and Institutional (G&I)	50 percent	30 percent	30 percent	
Vehicle-Oriented Commercial (VOC)	70 percent	40 percent	40 percent	
Mixed-Use Commercial (MUC)				
Multi-Family Residential (MFR)	70 percent for commercial facade, 30 percent for residential facade.	40 percent	40 percent	
Small Lot Residential (SLR)	Not applicable		Not applicable	
Large Medium Lot Residential (LLR/MLR)				
Very Large Lot Residential (VLLR/LLR)				
Rural Residential (RR)				
Estate Lot Residential				
Open Space (OS)				

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(e) **Main entrance requirements.** Each building along a government and institutional, vehicle-oriented commercial, mixed-use commercial, or multi-family street shall be provided with a main entrance that faces the street. Except when the building is setback set back from the street right-of-way at least four feet, the main entrance shall be recessed from the building's facade no less than five feet.

491

HISTORY

492

Adopted by Ord. [2022-04](#) on 1/18/2022

493
494
495 **Sec 104-22-6.2 Building Design Standards By Village Area**
496

497 The following provides regulations applicable to the architecture and design of buildings in each village
498 area, except for single-family, two-family, three-family and four-family dwellings. Each village area, as
499 depicted in the applicable street regulating plan, has a unique architectural theme as provided herein.
500 Each building, except those excepted herein, is required to be designed by a licensed architect. After
501 receiving recommendation from a licensed architect, the planning commission may allow minor
502 modifications to the applicability of the standards in this section as long as it results in a design that better
503 aligns with the intent of the design theme and blends well with the design features of adjacent buildings.

- 504
505 ~~(a)~~ **Licensed architect required.** ~~In each village area, buildings shall be designed by a licensed~~
506 ~~architect. A building's street-facing facade shall be designed to have a base, body, and cap, each~~
507 ~~of varying design features and building material. At least one of the building materials used~~
508 ~~on the building facade shall also be used on all other sides of the building.~~
509 ~~(b)~~**(a) Old Town Eden Village Area Building Design Standards.** In addition to applicable
510 standards in this chapter, the following standards apply to all buildings in the Old Town Eden
511 Village Area, except buildings on a lot that contains one or two single-family dwellings:

512 (1) **Design theme.** All buildings shall have architectural styling and materials that resemble
513 historic commercial main-street buildings in the Western United States that were in
514 existence between 1880 and 1910. Each new building shall provide diversity and
515 variety in building design, architectural features, and building material that set each
516 building apart from adjacent buildings.

517 ~~(2)~~**(3) Building form.** ~~A building's street-facing facade shall be designed to have a base, body,~~
518 ~~and cap, each of varying design features and building material.~~

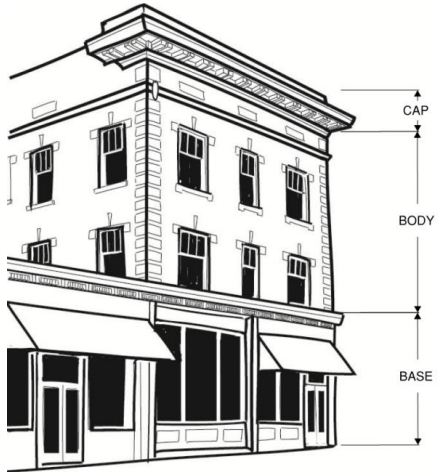
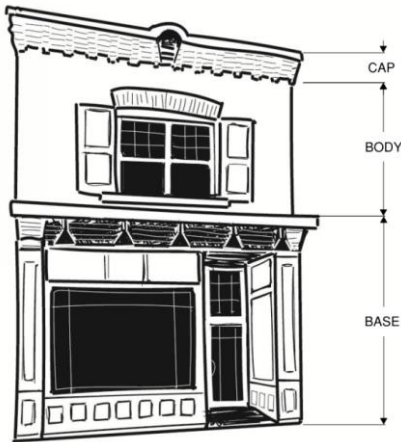
519 ~~(3)~~**(3) Rooflines.** Rooflines shall be broken every 50 feet, with no less than a ~~12-inch~~
520 ~~12-~~
521 ~~inch~~ shift between adjacent rooflines. If the building will have a sloped roof, parapet
walls shall be constructed to hide the roof slope.

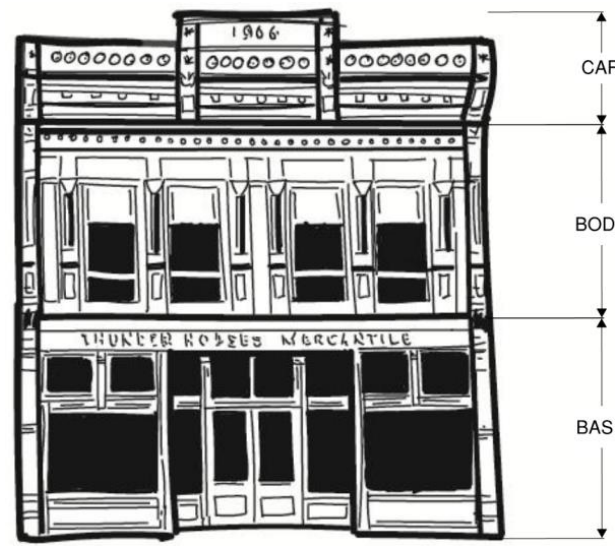
522 ~~(4)~~**(4) Building massing.** The wall massing of building facades shall be broken at
523 least every 40 feet with no less than a ~~six-inch~~
524 ~~six-inch~~ shift in the plane of adjacent walls.
525 Each street-facing facade shall be designed and constructed to have a building base,
526 building body, and varying building roofline, each having varying building materials or
design techniques.

527 ~~(4)~~**(5) Building material.** Each building facade that faces the street shall consist of brick,
528 or wood, or a faux material that is hard to distinguish from real brick, or wood. Metal
529 may be used for accent material. At least one of the building materials used on the
530 building facade shall also be used on all other sides of the building.

531 ~~(5)~~**(6) Colors.** Natural colors of wood and brick, as well as natural metals with an aged
532 patina, are allowed. Other muted earth-tone paints may be used as long as they
533 complement the age period. No more than 70 percent of a building's facade shall be
534 white.

535 ~~(6)~~**(7) Examples.** Examples of generally acceptable architectural features are depicted
536 in the following images. Any conflict between details in the images and regulations
537 in this chapter shall be interpreted in favor of the regulations in the chapter.





539

540 ~~(e)~~(b) **New Town Eden Village Area building design standards.** In addition to applicable
 541 standards in this chapter, the following standards apply to all buildings in the New Town Eden
 542 Village Area, except buildings on a lot that contains one or two single-family dwellings:

543 (1) **Design theme.** All buildings shall have architectural styling and materials that
 544 implement agrarian-style architecture. Agrarian-style architecture shall incorporate at
 545 least two of the following four options:

- 546 a. Either a gable roof at a 6/12 or greater slope, a gambrel roof, or a monitor roof.
- 547 b. An attached shed-roof at a 4/12 or greater slope that is not attached to the
- 548 main roof structure.
- 549 c. A clerestory or cupola.
- 550 d. Gable-style dormer windows.

551 (2) **Building form.** A building's street-facing façade shall be designed to have a base, body,
 552 and varying roofline, each of varying design features and building material.

553 ~~(2)~~(3) **Rooflines.** Rooflines shall be broken every 50 feet, with no less than a 12 inch
 554 shift between adjacent rooflines.

555 ~~(3)~~(4) **Building massing.** The wall massing of building facades shall be broken at
 556 least every 40 feet with no less than a six-inch shift in the plane of adjacent walls.
 557 Each street-facing façade shall be designed and constructed to have a building
 558 base, building body, and varying building roofline, each having varying building
 559 materials or design techniques.

560 ~~(4)~~(5) **Building material.** Building façade walls shall be finished with no less than two
 561 diverse types of material. The primary building material shall be wood siding or similar
 562 appearing siding. At least one of the building materials used on the building façade shall
 563 also be used on all other sides of the building.

- 564 a. Brick or stone may be used in place of wood if approved by the Land

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Use Authority.

566

- b. Metal siding may be used on the building's body, as long as the building's base is made of brick or stone, and as long as the metal siding is broken horizontally by brick or stone every twenty feet, and is treated to create a natural-appearing aged patina.

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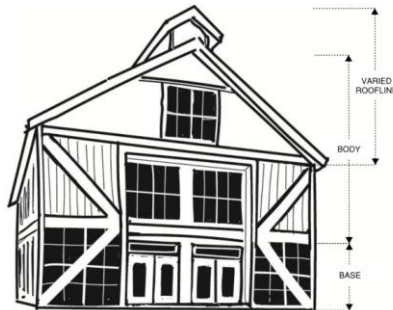
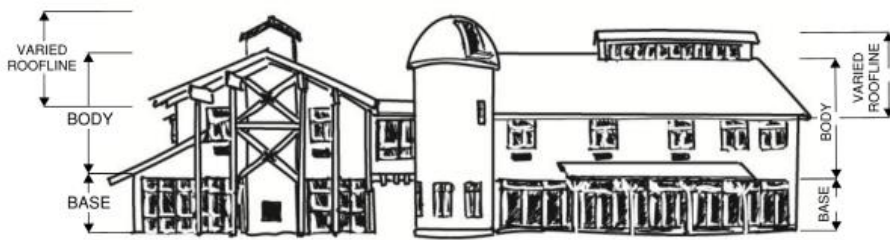
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~~(5)~~(6) **Colors.** Muted earth-tone colors are required. No more than 70 percent of a building's facade shall be white.

~~(6)~~(7) **Examples.** Examples of generally acceptable architectural features are depicted in the following images. Any conflict between details in the images and regulations in this chapter shall be interpreted in favor of the regulations in the chapter.



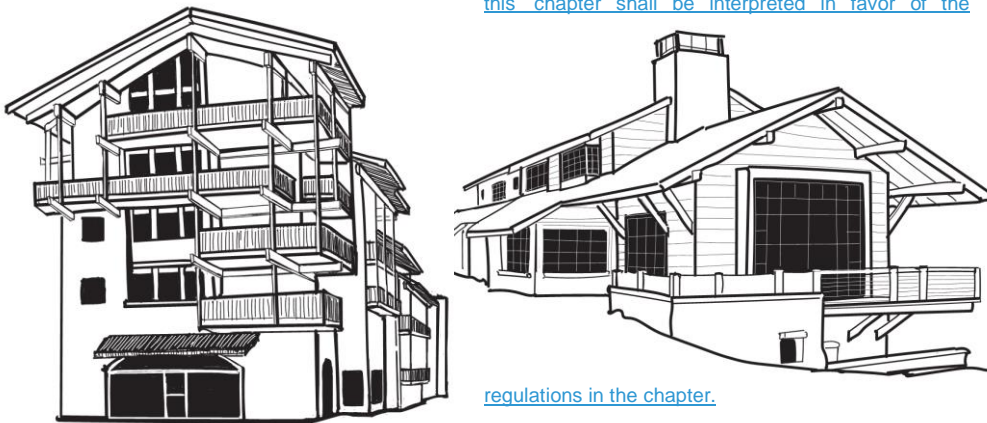
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(c) [Nordic Valley Village Area building design standards.](#) In addition to applicable standards in this chapter, the following standards apply to all buildings in the Nordic Village Area, except

buildings on a lot that contains a one or two single-family dwelling:

- (1) **Design theme.** All buildings shall have architectural styling and materials that implement a modern interpretation of alpine design. A modern interpretation of alpine design includes a balance between modern alpine and classical alpine design features. The following design features are intended to provide minimum stylistic requirements to implement this design theme.
- (2) **Building form.** A building's street-facing façade shall be designed to have a base, body, and varying roofline, each of varying design features and building material.
- (3) **Rooflines.** Buildings shall have varying rooflines of predominantly gabled roofs. Rooflines shall be broken every 100 feet, with no less than a 12 inch shift between adjacent rooflines that are on the same plane.
- (4) **Building massing.** The wall massing of building facades shall be broken at least every 50 feet with no less than a six-inch six-inch shift in the plane of adjacent walls. Each street-facing façade shall be designed and constructed to have a building base, building body, and a varying building roofline.
- (5) **Building material.** Building façade walls shall be finished with no less than two primary and one secondary type of building material. The primary building materials shall be real cut stone, glass, or wood siding or similar appearing siding with a natural wood finish. The secondary building materials include metal, wood, large-cut timbers, metal beams and columns, or concrete or other flat-surface building material which may be colored as allowed herein. At least one of the building materials used on the building façade shall also be used on all other sides of the building.
 - a. Each building shall have at least 60 percent primary building material.
 - b. The base of the building shall be at least 60 percent stone, except those areas occupied by transparent fenestration.
 - c. Use of metal shall be limited to trim, balconies, railing, exposed structural components, and roofs.
 - d. No more than ten percent of any building façade shall be exposed concrete.
- (6) **Colors.** Muted earth-tone colors are required. No more than 30 percent of a building's facade shall be white.
- (7) **Examples.** Examples of generally acceptable architectural features are depicted in the following images. Any conflict between details in the images and regulations in this chapter shall be interpreted in favor of the



regulations in the chapter.

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620 HISTORY

621 *Adopted by Ord. [2022-04](#) on 1/18/2022*

622

623 **Sec 104-22-7 Street Types And Street Design**

624 Sec 104-22-7.1 Street Types And Right-Of-Way Cross

625 SectionsSec 104-22-7.2 Street Design Standards

626 HISTORY

627 *Adopted by Ord. [2022-04](#) on 1/18/2022*

628

629 **Sec 104-22-7.1 Street Types And Right-Of-Way Cross Sections**

630

631 (1) **Right-of-way dedication.** As development occurs on each lot or parcel, the owner shall dedicate
632 area for public right-of-way with a width as depicted in the table below or as otherwise adopted,
633 to form a block pattern as depicted in the applicable street regulating plan.

634 (2) **Drawings required.** Each application for development shall provide engineered construction
635 drawings of the street improvements required herein.

636 (3) **Street type, description, and purpose.**

637 a. **Government/institutional street.**

A government/institutional street or alley has street-front buildings that are intended to serve the traveling public. The primary purpose of the street is for the siting of government or public-service oriented buildings fronting the street. Public-service oriented buildings may include any governmental, nonprofit, or for-profit school as long as the school provides the same K-12 educational courses required by the State of Utah, or a school that is an accredited institution of higher education. Hospitals or other medical services buildings, including medical, dental, or mental-health offices, laboratories, or similar public-health related offices, a public transportation facility or a multimodal transportation hub are also intended to be street-adjacent. Except for a public transportation facility, pickup and drop off areas shall be located to the rear of the building.

638

639 b. **Vehicle-oriented commercial street.**

A vehicle-oriented commercial street or alley has street-front buildings that are intended to serve the traveling public, such as a large grocery store, drive-through or drive-up window service of varying kinds, and gas station. Street-front buildings that are not vehicle oriented are also allowed. Multi-family residential uses are allowed only if located above first-floor street-level commercial space.

640

641 c. **Mixed-use commercial street.**

A mixed-use commercial street has street-front buildings that are oriented toward pedestrian traffic. At the street-level, these buildings shall be exclusively used or reserved for commercial retail Multi-family residential uses are allowed if located above first-floor street-level commercial space.

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d. Multi-family residential street.

A multi-family residential street has street-front buildings that are used for multi-family dwellings, and are ~~setback~~ set back from the street enough to provide a stoop or door yard between the facade and the street's sidewalk. First-floor building space intended for residential uses shall be offset by half a story from the plane of the street's sidewalk. First-floor street-level commercial area is permitted, but not required. Commercial uses are not permitted above the first-floor street-level.

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e. Mid-block alley.

Each street type may have an associated mid-block alley, where shown on the applicable street regulating plan. As development occurs, sufficient area shall be preserved and constructed to provide the mid-block alley to provide access to parking areas, garages, and other uses or buildings that are located in the middle of the block. The location of an alley shall be in the locations depicted by the applicable street regulating plan, and designed at a minimum in accordance with the ~~graphic to the right~~ standards herein, and at a maximum to the standards applicable for a public street. Some mid-block alleys connect to adjoining residential streets. Where they connect, the applicable standards shall change to residential street standards. Snow removal for an alley is the responsibility of all landowners, collectively, or an HOA, that have a parking area that has an access from the alley.

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f. Small-lot residential street.

A small-lot residential street has street-front buildings that ~~are~~ may be setback set back further ~~more~~ than multi-family residential street facades, but are less likely to ~~provide~~ have a ~~small~~ noticeable front yard area.

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g. Medium-lot residential street.

A medium-lot residential street has street-front buildings that are ~~may be setback set back further~~ more than multi-family ~~small-lot residential street facades to provide a small front yard area.~~

662

g.h. Large-lot residential street.

A large-lot residential street has street-front buildings that ~~are~~ may be setback set back enough to create a sizeable front yard on a lot that is large.

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h.i. ~~Very large-lot~~ Rural residential street.

A ~~very large-lot~~ rural residential street has street-front buildings that ~~are~~ may be setback set back enough to create a sizeable front yard on a lot that is ~~very~~ at least an acre large.

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i.j. Rural Estate lot residential street.

A rural ~~estate lot~~ residential street has street-front buildings that ~~are~~ may be setback ~~set back~~ enough to create a sizeable front yard, on a lot that contains multiple acres.

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j-k. **General open space street.**

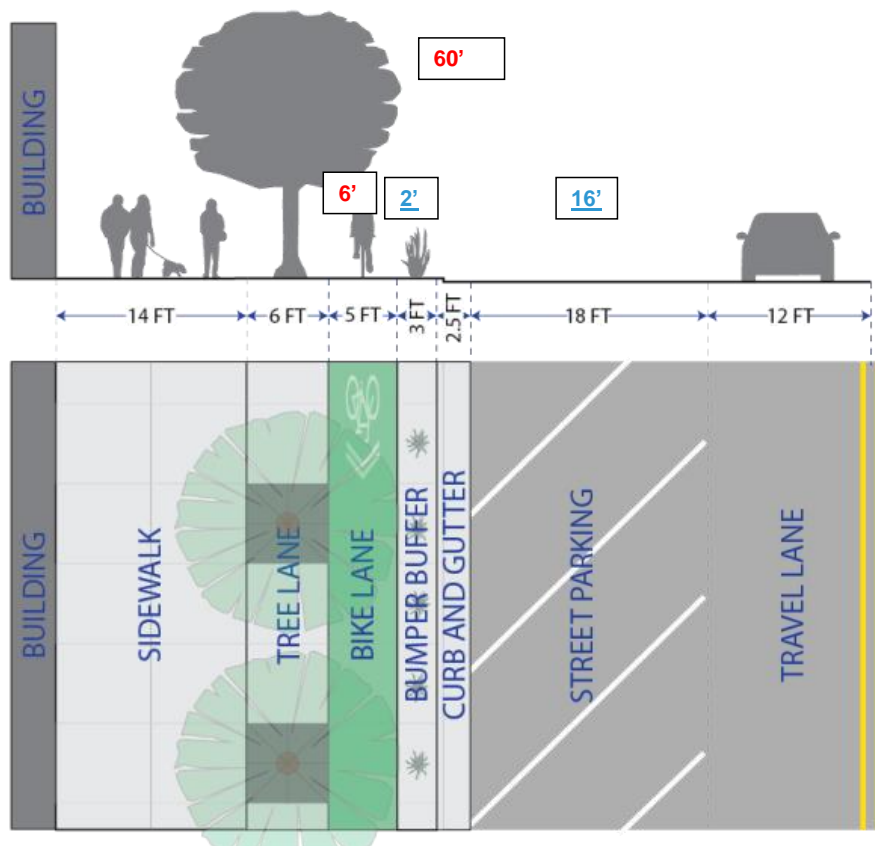
A general open space street has very limited buildings adjacent to the street, and only those that are incidental and accessory to the open space.

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(4) **Street right-of-way design.**

a. **Commercial street design.** The design for a governmental and institutional street, vehicle-oriented commercial street, mixed-use commercial street, and multi-family residential street is as follows:

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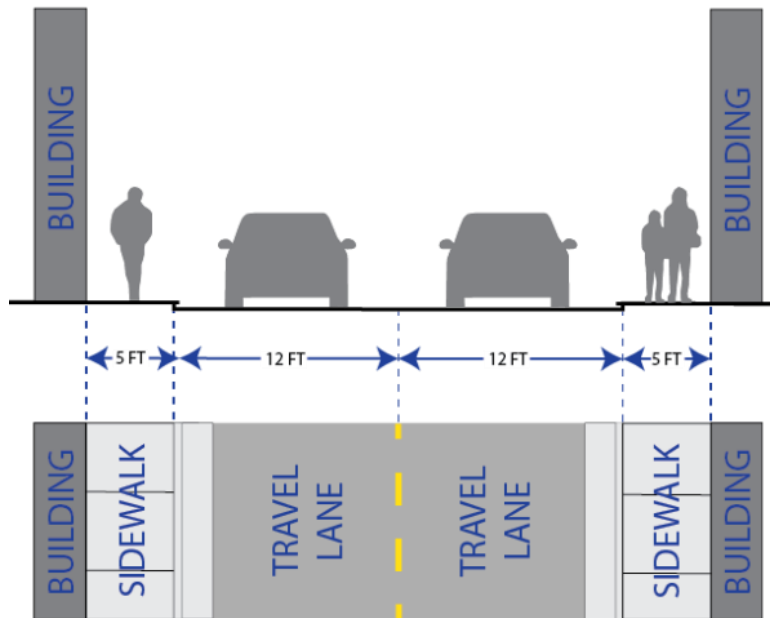


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- b. **Commercial alley design.** The design for a governmental and institutional alley, vehicle-oriented commercial alley, mixed-use commercial alley, and multi-family residential alleys as follows:



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- c. **Residential street design.** The design for all non-multi-family residential streets is as follows: See Section 106-4-5.

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684 **Editors note:** The color adjacent to each street type corresponds with the street colors on the
685 streetregulating plan map(s). The color codes for each are as follows:

RGB	G&I	VOC	MUC	MFR	SLR	MLR	LLR	RR	ELR	OS
R	25	176	204	255	255	255	255	138	83	75
G	151	33	51	120	170	210	255	153	128	191
B	156	157	0	0	0	0	0	66	69	96

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HISTORY

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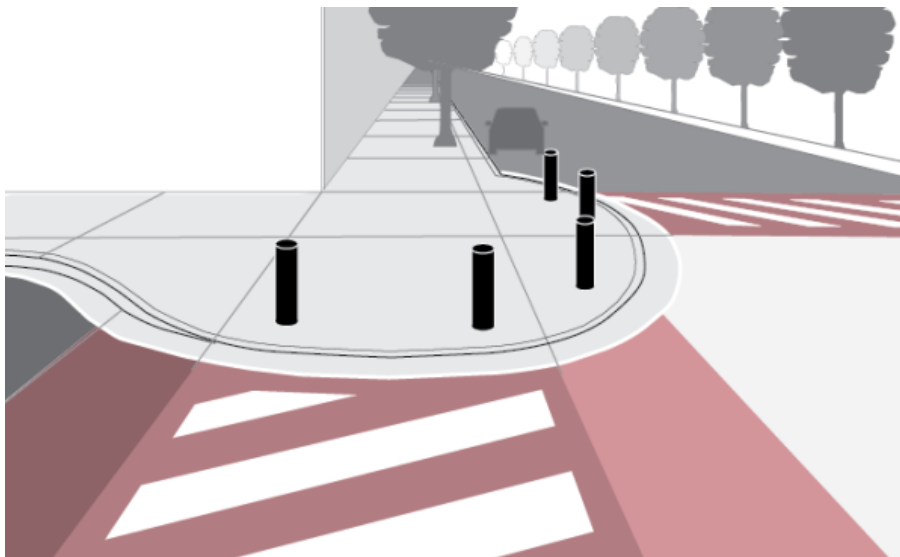
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689

690 **Sec 104-22-7.2 Street Design Standards**

691
 692 For all mixed-use commercial, vehicle oriented commercial, multi-family residential, and
 693 government/institutional street types, the following provisions shall apply. Other streets shall follow
 694 adopted residential street design standards.

695
 696 (a) **Pedestrian priority design.** The street shall be designed to prioritize pedestrian use. At primary
 697 points of conflict between pedestrian uses and vehicle uses, the street facility shall be designed
 698 and constructed to promote pedestrian safety, comfort, and efficiency.

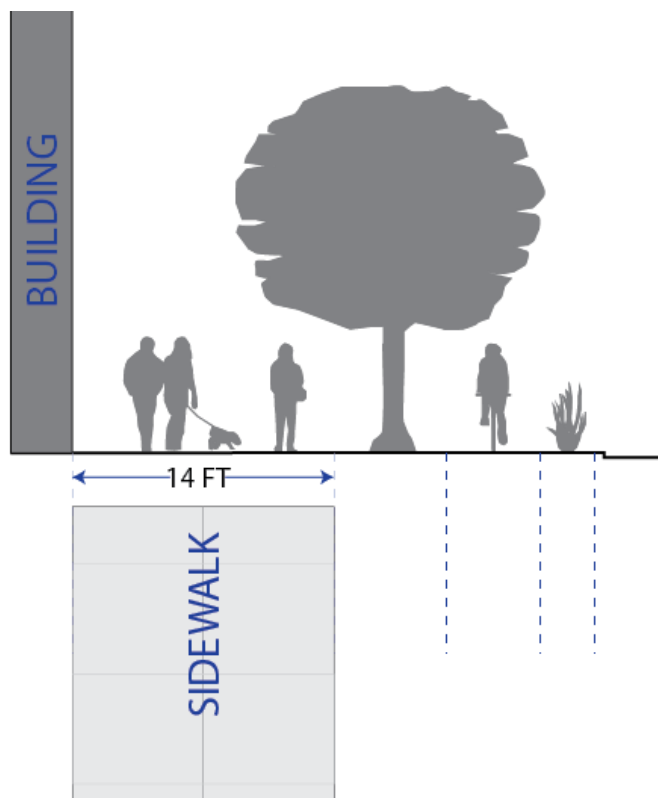


- 699
- 700 (1) **Raised crosswalks.** Where a pedestrian-way intersects with a vehicle-way, the
 701 pedestrian-way shall be raised at least six inches above the grade of the vehicle-
 702 way, or to the level of the adjoining pedestrian-ways, whichever is higher. This shall
 703 include but is not limited to the installation of crosswalks and intersections that are
 704 raised to the same plane as the sidewalk or adjoining pathways.
- 705 (2) **Curb extension bulb-outs.** In order to provide traffic calming and pedestrian safety,
 706 street improvements at intersections, pedestrian crossings, and mid-block alleys, if
 707 different, shall be constructed with curb extensions that ~~bulb-out~~ **bulb out** directly
 708 adjacent to the lane of travel. Bike lane widths shall not be obstructed or made
 709 narrower at any point along a curb extension bulb-out. Bulb-outs shall be designed to
 710 the specifications of this ordinance and the County Engineer, or as otherwise adopted.
 711 Where a bulb-out provides access to a raised pedestrian crosswalk, bollards shall be
 712 installed along the curve of the bulb-out to keep vehicles from entering the pedestrian-
 713 way. Examples of bulb-outs are depicted in the images above.
- 714 (3) **Crosswalk contrast.** For enhanced noticeability, in addition to white retroreflective
 715 striping, crosswalks shall be constructed of stamped and colored concrete to
 716 provide clear contrast between the street and crosswalk.
- 717 (4) **Mid-block crosswalk.** Each block shall be provided with a mid-block crosswalk. Solar
 718 powered user-activated rapid flashing beacons shall be installed on midblock
 719 crosswalk signage.



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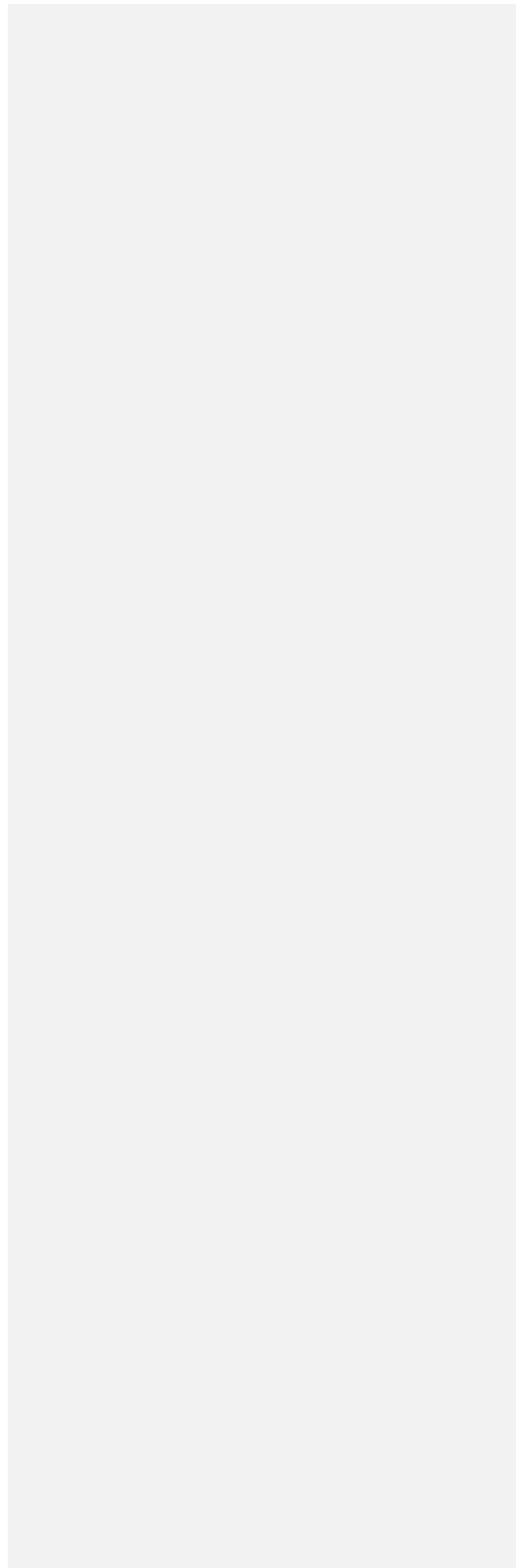
737 (b) **Sidewalk required.** As part of the required street improvements within the FBV zone, a sidewalk
738 shall be installed in the designated sidewalk area, as depicted in Section 104-22-7.1, on the side
739 of the street of the development and for the entire length of the development lot's street frontage.
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- (1) **Paved pathway alternative.** A 10-foot wide paved pathway may be installed in lieu of the required sidewalk along any street designated as residential except the multi-family residential street



762 (2) **Covered boardwalk alternative.** The County Commission may, but is not obligated
763 to, approve the encroachment of a covered boardwalk, or similar, by legislative
764 approval of an encroachment and maintenance contract. The adjoining
765 landowners shall bear full responsibility for the operations and maintenance of the
766 boardwalk. The coveredboardwalk shall comply with the overhead projections
767 standards of this chapter.

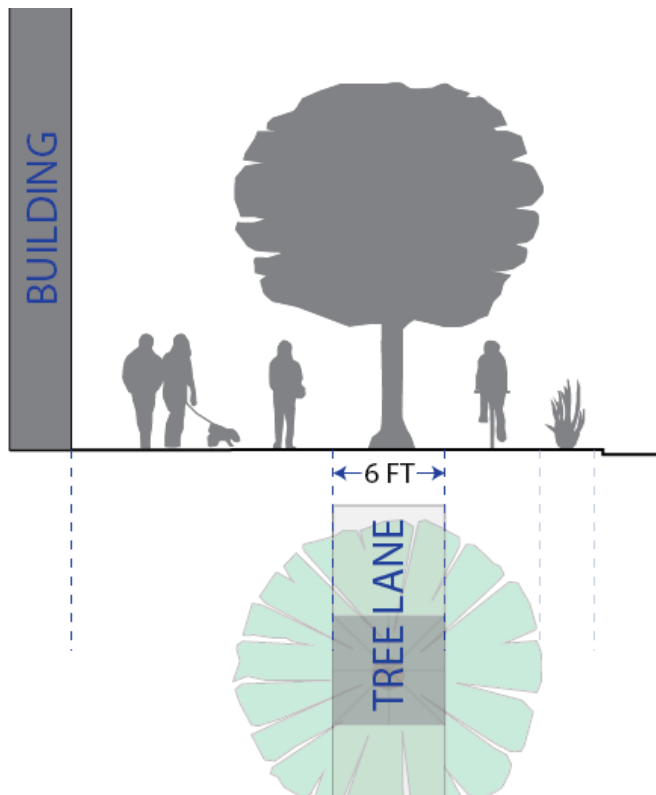


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(c) **Street trees required.** As part of the required street improvements within this zone, street trees shall be installed in the designated tree lane, as depicted in Section 104-22-7.1, on the same side of the street as the development and for the entire length of the development lot's street frontage. Tree species shall be approved by the Planning Director and County Engineer as part of the review of the development. A street tree plan shall be submitted as part of a development application and shall be accompanied by a letter from a certified arborist or landscape architect, certifying that the proposed tree type is suitable considering site conditions and local climate. The plan shall include planting methods that are specific to the site conditions. Planting methods shall provide means of protecting the longevity of the tree and the street infrastructure. Street trees shall be provided with a permanent watering method with irrigation infrastructure installed underground.

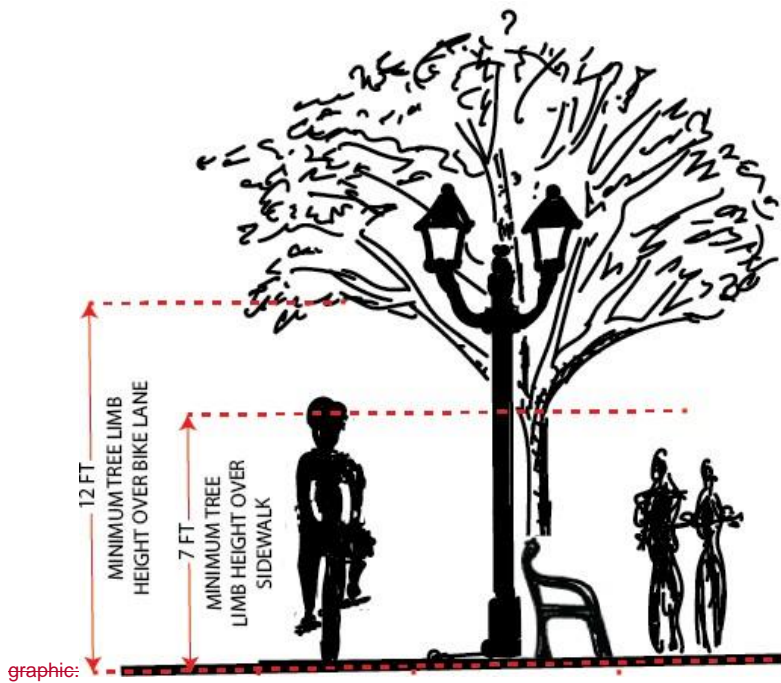
- (1) **Tree planting.** No street tree shall be planted within the clear view triangle as provided in Section 108-7-7, Section 106-4-5, or the American Association of State Highway and Transportation Officials (AASHTO) standards. To provide continuous shade of the pedestrian areas, spacing between tree trunks shall equal the average diameter of the specific tree species' canopy at maturity. However, in the Nordic Valley Village area, each block shall have the same number of trees that is equal to one tree per every 50 linear feet of street on both sides of the street, and the trees may be grouped in clusters of no greater than ten trees, rather than equally spaced along the right of way.



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- (2) **Tree maintenance.** Unless an association, district, or other collective funding and maintenance entity is approved by the County to provide tree maintenance, a street tree shall be maintained by the owner or proprietor of the property that is immediately adjacent to the street right-of-way where the tree is located. A tree maintenance plan shall be submitted as part of the development review for new development. Trees shall be pruned in a manner that gives at least a seven foot clearance above the sidewalk and a 12 foot clearance above a bike lane or parking area, as depicted by the following [graphic](#):

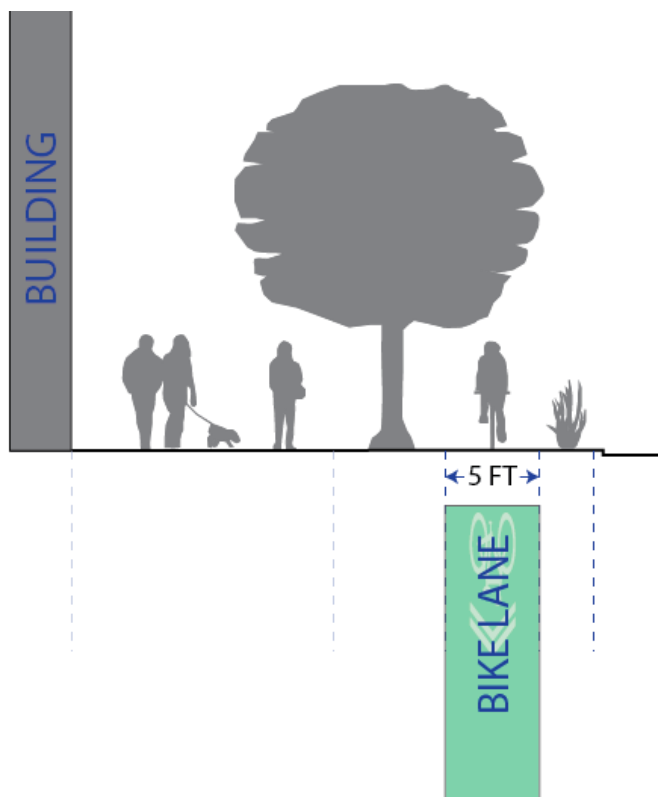


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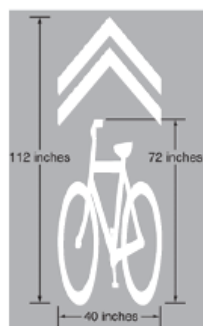
(d) ***Bike facilities required.***

- (1) ***Separated bike lane.*** A concrete bike lane that is five feet in width shall be installed as part of the required street improvements. The bike lane shall be on the same plane as the sidewalk, and shall be separated from the pedestrian walkway by the tree lane.



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- (2) **Bike lane alternative.** When topography results in the inability to safely create sufficient street right-of-way width, the County Engineer has discretion to allow a bike lane to occupy the street's vehicle travel lane. In these cases, a five-foot wide retroreflective green bike lane shall be applied to the center of the lane, and marked with retroreflective sharrows as depicted by the following graphic:

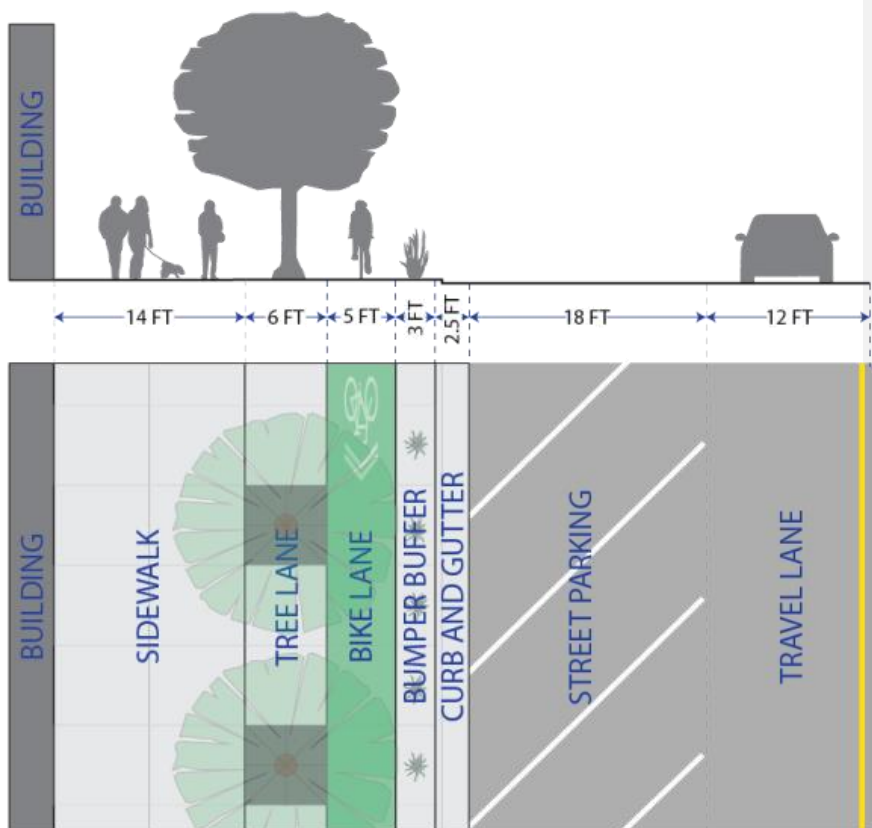


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(e) **Street parking required.**

- (1) **45-degree angle parking.** Each street shall be designed and constructed to provide 45-degree angled parking.
- (2) **Street parking alternative.** When topography results in the inability to safely create

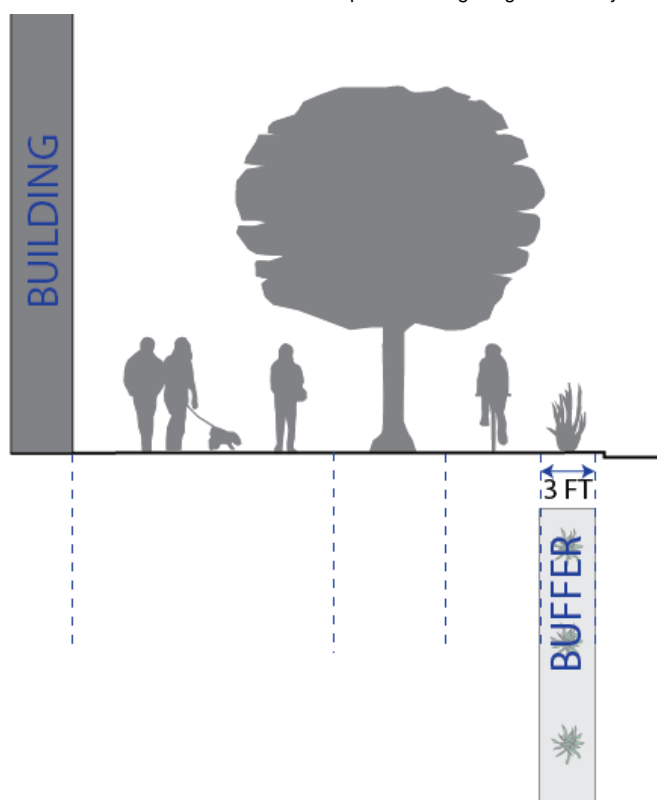


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sufficient street right-of-way width, the County Engineer has discretion to allow a parallel street-parking design instead.

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- (3) **Parking bumper buffer.** A three-foot parking buffer shall be provided between the bikelane and the curb for vehicle bumper overhang. Vegetation may be in this buffer.



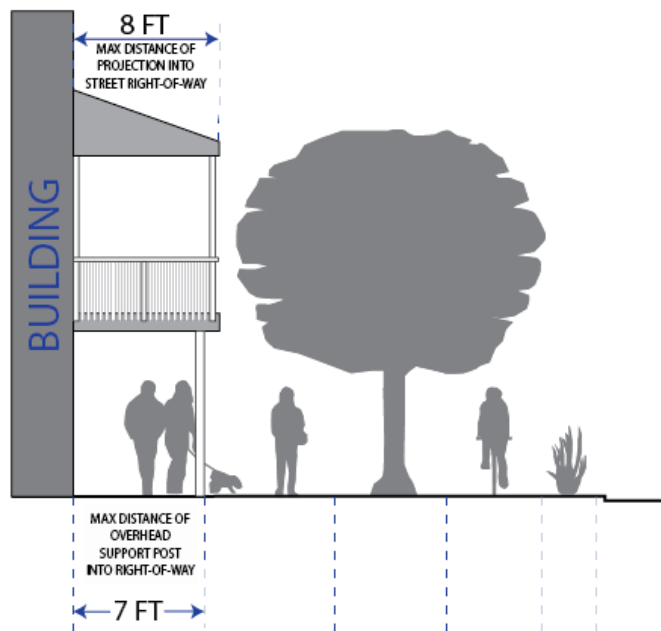
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- (f) **Curb, gutter, and drainage facilities.** Curb, gutter, and drainage facilities shall be installed along each street and internal alleyway in accordance with the County's standard curb and gutter cross sections and in a manner that accommodates the street designs herein.

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(g) **Items in public right-of-way.**

- (1) **Overhead projections.** Overhead building projections such as but not limited to awnings, canopies, balconies, and cantilevers, are permitted within the public right-of-way, provided that they leave a vertical clearance over the sidewalk or walkway of no less than nine feet, and shall not project more than eight feet into the public right-of-way. Any support post beneath the building projection shall be no greater than seven feet from the building façade, be designed to offer minimal disruption to sidewalk traffic, and meet all ADA clearance requirements.



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- (2) **Amenities and furniture.** Non-permanent street amenities such as street furniture for outside dining, benches, bike racks, planters, and street sales and displays are permitted between street trees and along sidewalks as long as they do not cause any hazard to the use of the bike lane; and they are located in a manner that leaves a continuous seven-foot wide pedestrian walkway.

911 (3) **Street Lighting.** Street lighting shall be installed as part of the required street
912 improvements within this zone. Street lighting shall complement the architectural design
913 theme of the area.

914 (4) **Overhead utilities.** All new development shall move all existing overhead utilities
915 underground, and install all new utilities underground as well.

916
917 (h) Round-a-bout. A round circle along any street intersection on the street regulation plan
918 indicates a planned round-a-bout. As development occurs, street right-of-way shall be
919 dedicated to the County to accommodate at least a 110-foot diameter round-a-bout. Round-a-
920 bout improvements shall be installed if required by the County Engineer. Otherwise, all
921 improvements installed shall be installed in a manner that does not create an undue burden on
922 the construction of a future round-a-bout.

923 HISTORY

924 Adopted by Ord. 2022-04 on 1/18/2022

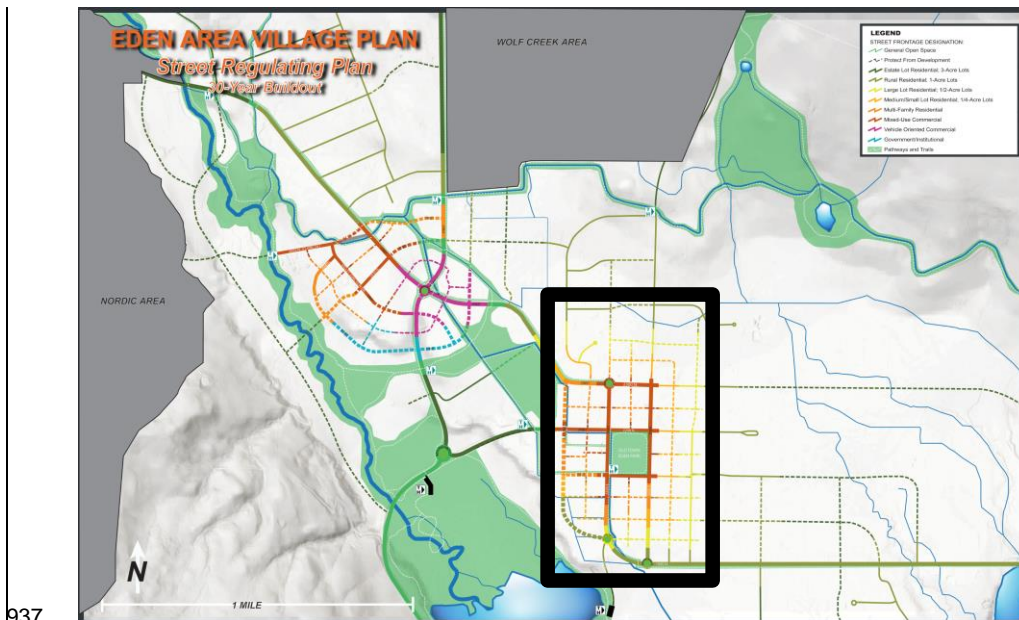
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926 **Sec 104-22-8 Street Regulating Plans**

927
928 The following maps depict the adopted Street Regulating Plans for their respective areas. The plans
929 illustrate the intended street layout of the area and the designated street types. The plan is intended to
930 be a guide for the placement of streets and mid-block alleys, and is not designed to survey-level accuracy.
931 A mid-block alley shall be as close to the middle of the block as is practicable, and the street placement
932 shall be within 200 feet of the location depicted on these maps. A land owner proposing development in
933 an area that a street or alley is planned shall be responsible for dedicating the land and constructing the
934 street or alley improvements.

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(a) *Old Town Eden Street Regulating Plan Map.*

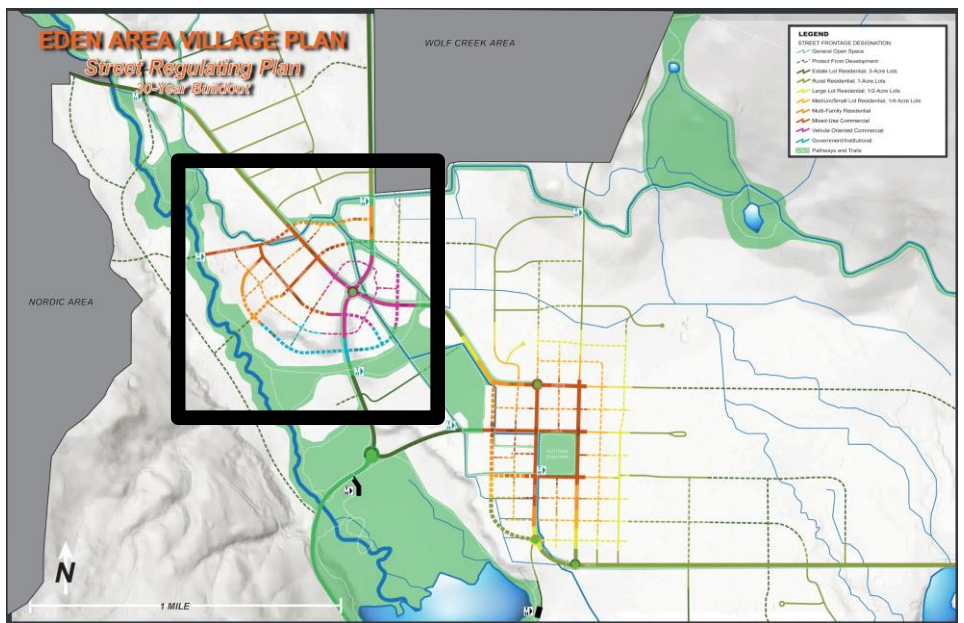


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(b) *New Town Eden Street Regulating Plan Map.*



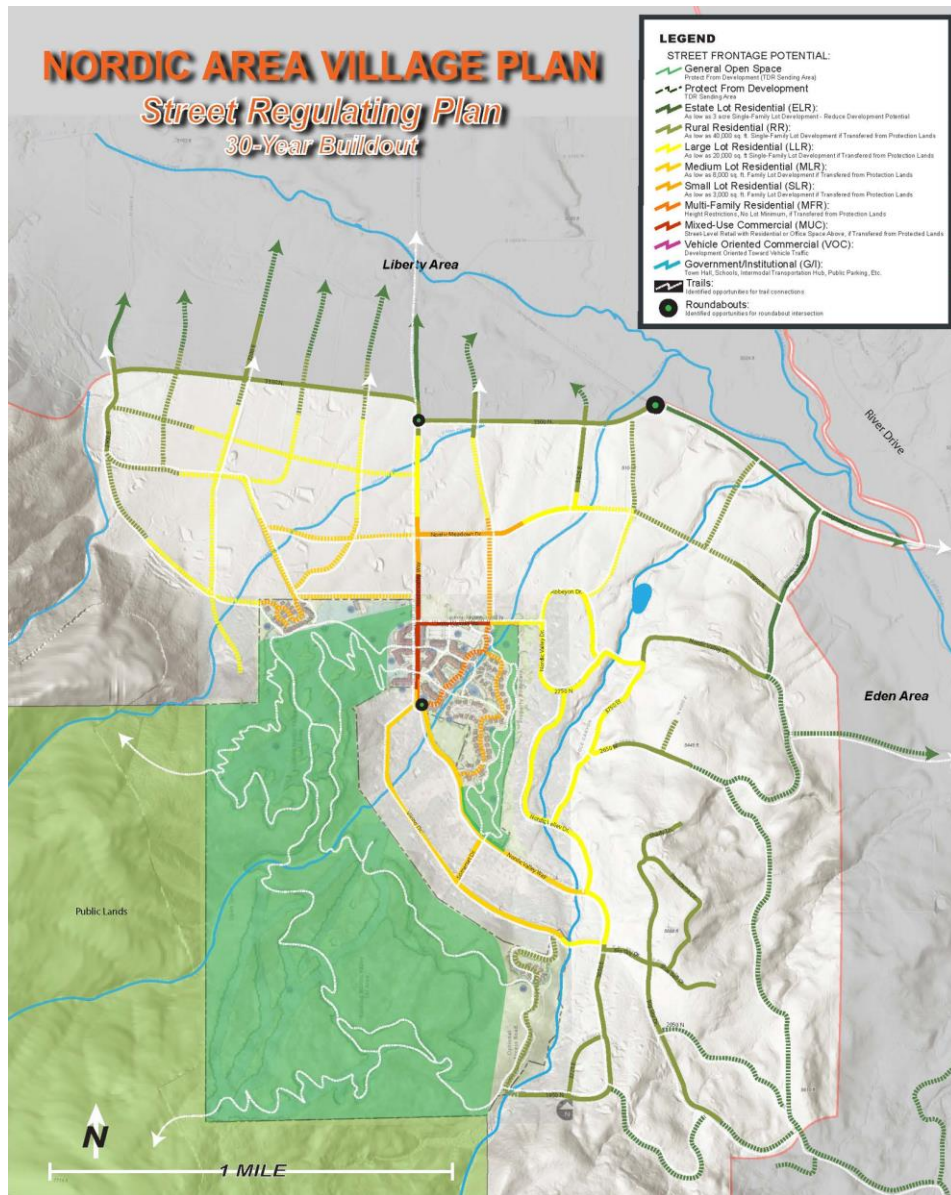
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(C) Nordic Valley Village Area Street Regulating Plan Map.



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HISTORY

Adopted by Ord. [2022-04](#) on 1/18/2022

Sec 104-22-9 Parking and Internal Block Access.

- (a) **Parking required.** Each application for development shall include a parking plan that demonstrates that sufficient parking will be provided by the street parking adjacent to the building or an off-street parking lot within 1000 feet of the building. All parking lots shall be hard-surface asphalt or concrete, [or other hard surface otherwise approved by the County Engineer and local fire authority](#). Street parking not adjacent to the lot's street-frontage shall not be counted in determining that sufficient parking has been provided.
- (b) **Parking flexibility.** Except for residential uses, the Land Use Authority may reduce the minimum parking spaces required if sufficient evidence suggests that the required number of spaces is excessive for the building and proposed use or uses therein.
- (c) **Parking related to a change of use.** If a change of use occurs, more parking may be required if the new use merits it, as determined by the Land Use Authority. The applicant proposing to change the use shall be required to provide the additional off-street parking within 1000 feet of the use.
- (d) **Residential parking.** The minimum required parking for a residential use shall be located off-street within the same block as the residential use.
- (e) **Parking lot trees.** A surface parking lot shall have one tree for each four parking spaces, and a five-foot wide landscape planting area that runs the depth of the parking row shall be located at each end of a parking row.
- (f) **Parking structure design standards.** ~~A parking structure located adjacent to the street shall have street-level commercial space and~~ [When located adjacent to a vehicle-oriented commercial, mixed use commercial, or multi-family commercial street, a parking structure shall have first-floor street-level commercial space along the street's frontage. However, for a corner lot, this requirement applies to the façade that is adjacent to the more prominent street, as determined by the land use authority; the other façade shall have the same for no less than fifty percent of that façade's street frontage. The other fifty percent, and the area of the parking structure above the street level commercial space, shall](#) have a street-facing facade that disguises the parking structure to generally look like other buildings in the area.

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- 995 (f) —
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 997 (g) **Cross-access and cross-access easement.** For all parcels or lots along a governmental or
 998 institutional, vehicle-oriented commercial, mixed-use commercial, or multi-family residential street,
 999 providing access to adjacent existing or future development without the need to access the public
 1000 right-of-way is required. This access shall be provided by a mid-block alley, where shown on a
 1001 street regulating plan, or other alley or shared driveway as may be deemed necessary by the land
 1002 use authority. When no new alley access is deemed necessary because an alley access or street
 1003 access is already provided to the lot or parcel through another lot or parcel, then a cross-access
 1004 easement shall be provided along adjoining lot lines, as follows:
 1005 (1) A cross access easement shall provide an easement to all landowners in the block that
 1006 develop along a governmental or institutional, vehicle-oriented commercial, mixed-use
 1007 commercial, or multi-family residential street that is framing the block. The easement
 1008 shall allow ingress and egress to these other lots or parcels, including ingress and
 1009 egress infrastructure.
 1010 (2) At a minimum, each developed lot or parcel shall have two points of ingress and egress,
 1011 at least one of which shall be stubbed to adjacent property where practicable. Except
 1012 that a parking area is allowed to only provide a single access as long as it does not
 1013 block the accessibility to other areas within the block that are or could be used for public
 1014 parking.
 1015 (3) Each parking area that is located within the block and that will be open to the public for
 1016 public parking shall be designed to extend to the parcel boundary and shall provide a
 1017 cross access easement along all sides of the parking area abutting the adjacent lot(s)
 1018 or parcel(s) in a manner that allows the adjoining lot or parcel owner to extend that
 1019 public parking area seamlessly into their parcel.
 1020 (4) When locating a cross-access easement or designing the cross-access infrastructure,
 1021 good faith efforts shall be made to coordinate the location and design with the adjoining
 1022 land owner.
 1023 (5) The Planning Director may require the cross-access to be located in a manner that
 1024 optimizes internal block traffic circulation.
 1025 (6) Construction of the cross-access infrastructure shall be completed prior to the issuance
 1026 of a certificate of occupancy for any structure on the lot or parcel, or a completion bond
 1027 may substitute for completion if allowed by the County Engineer.
 1028 (7) When a lot or parcel is being developed that abuts an existing cross-access easement
 1029 or existing cross-access infrastructure, a reciprocal cross-access easement shall be
 1030 provided on the same lot line or parcel line in the same location and of equal width. The
 1031 reciprocal cross-access infrastructure shall be constructed to the same standard as, or
 1032 better than, the existing cross-access infrastructure on the adjacent parcel. A cross-
 1033 access easement shall be recorded on the title of all affected properties, along with a
 1034 perpetual operation and maintenance agreement between the property owners that
 1035 specifies, at a minimum, that the infrastructure will be operated and maintained by the
 1036 property owners in a manner that is safe and usable for two-way vehicle traffic.
 1037 (8) If property owners fail to operate or maintain cross-access infrastructure that was
 1038 required by the County under this section, the County may pursue enforcement
 1039 measures as provided in this Land Use Code.

1039 HISTORY

1040 Adopted by Ord. 2022-04 on 1/18/2022

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1042 **Sec 104-22-10 Signage**

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1044 In addition to the signage regulations in this Land Use Code, no signage shall be affixed to a
 1045 building higher than the top of the second story.

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HISTORY

Adopted by Ord. 2022-04 on 1/18/2022

Sec 104-22-11 FBV Transferable development rights

- (a) **Density allowance and transferable development rights.** As provided in the Ogden Valley General Plan, the creation of dwelling units in the FBV zone shall not create any new density in the Ogden Valley Planning Area unless otherwise provided in this Land Use Code. To establish the residential dwelling unit rights that exist on a lot or parcel in the FBV zone, or to increase or decrease residential dwelling unit rights on a lot or parcel in the FBV zone, the following apply:
- (1) For a lot or parcel rezoned to the Form-Based Village Zone from a zone that allows residential dwelling units, the base density, as defined in Title 101, Chapter 2, shall be the same as the density that was allowed in the prior zone. This shall be documented by recording a covenant to the lot or parcel that provides a calculation of the base density. The covenant shall run with land, and be between the owner and the County.
 - (2) Additional residential dwelling units are permitted on any lot that has street frontage on, or gains primary access from, any street type in the street regulating plan except an Estate Lot Residential ~~rural residential~~ street and a general open space street. However, no ~~new~~ additional density is allowed unless the landowner has successfully negotiated the reallocation of an equal number of dwelling unit rights from another lot or parcel that has an available dwelling unit right, as determined by the lot or parcel's base density and adjusted for any previous dwelling unit right reduction or addition. The reallocation shall be made by recording a covenant to each affected lot or parcel. Each covenant shall run with the land and be between the owner and the County. Each covenant shall document the applicable lot or parcel's calculated base density; the number of dwelling units already developed on the lot or parcel; the number of dwelling unit rights subtracted from, or added to, the base density by any means; and the number of dwelling unit rights remaining for the lot or parcel.
 - (3) Residential dwelling unit rights may be transferred to a lot or parcel in a FBV zone from any lot or parcel in the following zones within the Ogden Valley Planning Area: RE-15, RE-20, AV-3, F-5, FV-3, S-1, FR-1, FR-3, RMH-1-6, CVR-1, and FBV.
 - (4) Regardless of number of residential dwelling unit rights transferred to a lot or parcel in the FBV zone, the number of dwelling units actually constructed shall be limited by what can be constructed given compliance with the standards of this chapter.
 - (5) **Moderate income housing.** At least ~~ten~~ **five** percent of a lot or parcel's total number of dwelling units shall be for moderate income housing. Moderate income housing shall be reserved for households earning less than 80 percent of the county's median household income. Moderate income housing will not be deducted from the lot or parcel's development rights and is not required to be established through transferable development rights. Eligibility and long-term monitoring of qualification for moderate income housing is the responsibility of the Weber Housing Authority. If a development is too small to produce moderate income housing, then a fee in lieu of moderate income housing, equaling ~~ten~~ **five** percent of the dwelling unit's market value, shall be paid for each dwelling unit in the development. The County Commission, in cooperation with the Weber Housing Authority, may negotiate an equitable trade in place of the requirements of this paragraph, as long as the trade proportionately advances the creation of moderate income housing in the same village area as the development. The trade shall be documented by development agreement.

**PASSED AND ADOPTED BY THE BOARD OF WEBER COUNTY COMMISSIONERS
ON THIS _____ DAY OF _____, 2022.**

Gage Froerer:	AYE____	NAY____	ABSENT____	ABSTAIN____
Jim "H" Harvey:	AYE____	NAY____	ABSENT____	ABSTAIN____
Scott K. Jenkins:	AYE____	NAY____	ABSENT____	ABSTAIN____

Presiding Officer

Attest

Scott K. Jenkins, Chair

Ricky D. Hatch, Clerk

1094

**WEBER COUNTY
ORDINANCE NUMBER 2022-_____**

**AN AMENDMENT TO VARIOUS SECTIONS OF THE COUNTY’S LAND USE CODE TO CREATE
A NORDIC VILLAGE AREA WITHIN THE FORM-BASED VILLAGE (FBV) ZONE.**

WHEREAS, the Board of Weber County Commissioners has heretofore adopted land use regulations governing uses of land in unincorporated Weber County; and

WHEREAS, these land use regulations include a Form-Based Village Zoning ordinance (FBV), that establishes street classifications, land uses, architectural standards, and site development standards for specific village areas; and

WHEREAS, a private landowner located within the Nordic Village Area, as depicted within the 2016 Ogden Valley General Plan, requested an amendment to the Weber County Land Use Code to add specific provisions and exhibits intended to create a Nordic Village Area within the FBV zone; and

WHEREAS, on April 26, 2022, the Ogden Valley Planning Commission, after appropriate notice, held a public hearing to consider public comments regarding the proposed amendments to the Weber County Land Use Code, offered a positive recommendation to the County Commission; and

WHEREAS, on July 19, 2022, the Weber County Board of Commissioners, after appropriate notice, held a public hearing to consider public comments on the same; and

WHEREAS, the Weber County Board of Commissioners find that the proposed amendments herein substantially advance many goals and objectives of the 2016 Ogden Valley General Plan; and

WHEREAS, the Weber County Board of Commissioners find that the proposed amendments serve to create the necessary regulatory framework that will guide future development in the village areas of the FBV zone;

NOW THEREFORE, be it ordained by the Board of County Commissioners of Weber County, in the State of Utah, as follows:

SECTION 1: AMENDMENT. The Weber County Code is hereby *amended* as follows:

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Part II Land Use Code

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Title 101 General Provisions

...

Sec 101-2-2 A Definitions

[Amusement park.](#) The term “amusement park,” also referred herein as a “carnival operations,” means a facility, primarily located outdoors, that may include structures and buildings where there are various devices for entertainment, including rides, booths for the conduct of games or sale of items, and buildings for shows, entertainment, restaurants, and souvenir or gift sales.

...

Sec 101-2-5 D Definitions

...

[Dude ranch.](#) The term “dude ranch” means a commercial vacation ranch operation that provides activities related to a ranch lifestyle, which may include camping, horseback riding, and wrangling, and

16 [which may also offer short-term rental accommodations for guests engaged in these activities.](#)

17 ...

18 **Dwelling.** The term "dwelling" means a building or portion thereof, which is constructed in compliance
 19 with the county's adopted building codes and designed as a place for human habitation, ~~except. This~~
 20 ~~does not include a hotel, or hotel room, condominium rental apartment hotel, (condo-tel), boardinghouse,~~
 21 ~~lodginghouse, tourist court or apartment court and meeting the requirements of title 108, chapter 15. The~~
 22 ~~term "dwelling" shall include manufactured home and modular home when the requirements of title 108,~~
 23 ~~chapter 14 are met.~~

24 **Dwelling, four-family.** The term "four-family dwelling," also referred to as a "quadplex," means a building
 25 [arranged or designed to contain only four dwelling units with approximately the same floor area, and](#)
 26 [occupying one lot or parcel.](#)

27 **Dwelling, group.** The term "group dwelling" means two or more dwellings arranged around a court.

28 **Dwelling, multiple-family (multi-family).** The term "multiple-family dwelling," ~~also referred to as a~~
 29 ~~"multi-family dwelling,"~~ means a building or portion thereof ~~used and/or~~ arranged or designed to ~~be~~
 30 ~~occupied by~~ [contain](#) more than four families [dwelling units](#), including [an apartment houses building](#) and
 31 [apartment hotels, but not including tourist courts condominium building.](#)

32 **Dwelling, single-family.** The term "single-family dwelling" means a building ~~or portion thereof~~ arranged
 33 or designed to ~~be occupied~~ exclusively ~~by one family, the structure having~~ [contain](#) only one dwelling unit,
 34 unless specified otherwise by this Land Use Code, [and occupying one lot or parcel.](#)

35 **Dwelling, single-family attached.** The term "single-family attached dwelling" means a building
 36 [containing two or more dwelling units attached by a common wall or walls, where each dwelling unit is](#)
 37 [located on a separate lot. This is traditionally known as a townhome or townhouse.](#)

38 **Dwelling, three-family.** The term "three-family dwelling," also referred to as a "triplex," means a building
 39 [arranged or designed to contain only three dwelling units with approximately the same floor area, and](#)
 40 [occupying one lot or parcel.](#)

41 **Dwelling, two-family (duplex).** The term "two-family dwelling" also referred to as a "duplex," means a
 42 building arranged or designed to ~~be occupied by two families, the structure having~~ [contain](#) only two
 43 dwelling units with approximately the same floor area, [and occupying one lot or parcel.](#)

44 **Dwelling unit.** The term "dwelling unit" means any building or portion thereof that contains living
 45 facilities, including provisions for sleeping, eating, cooking and sanitation, ~~for not more than one family.~~

46 **Dwelling unit, condominium.** See "condominium dwelling unit."

47 **Dwelling unit, townhome.** See "single-family attached dwelling."

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49 **Sec 101-2-6 E Definitions**

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51 **Emergency services plan.** The term "emergency services plan" means a document that describes, in
 52 general, the emergency facilities and level of staffing that are part of (or will provide services to) a
 53 proposed resort. The plan is supplemental to an overall master plan and consists of but is not limited to
 54 the following sections: an executive summary, list of facilities (e.g., fire/sheriff) and phasing schedule
 55 describing emergency personnel staffing and anticipated time and general location of facility construction
 56 if applicable.

57 **Entertainment facility, indoor.** The term "indoor entertainment facility" means an indoor facility
 58 [providing entertainment for a fee, including such activities as dance halls, theatrical productions, bands,](#)
 59 [orchestras, and other musical entertainment; bowling alleys and billiard and pool establishments; rinks,](#)
 60 [and racetracks; mini-golf course; coin or bill operated devices, membership sports and health clubs,](#)
 61 [swimming pools, riding academies, exhibitions, and game parlors.](#)

62 **Entertainment facility, outdoor.** The term "outdoor entertainment facility" means an outdoor facility
 63 [providing entertainment for a fee, including the same or similar activities as an indoor entertainment](#)
 64 [facility, and also including commercial facilities such as an arena; horse rides; tubing hill, or court or field](#)

65 [sport oriented complex.](#)

66 **Estate lot.** The term "estate lot" means a lot within a subdivision, intended for the use of a dwelling unit,
67 that contains at least five and one-quarter acres.

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69 ...

70 **Sec 101-2-13 Lot Definitions**

71 **Lot.** The term "lot" means a parcel of land capable of being occupied by an allowed use, building or
72 group of buildings (main or accessory), and approved for human occupancy either full- or part-time;
73 together with such yards, open spaces, parking spaces and other areas required by this title and the
74 Land Use Code. ~~Such parcel shall also have frontage on a street or on a right-of-way approved by the~~
75 ~~planning director. Except for group dwellings and guest houses~~[Except when allowed otherwise in this](#)
76 [Land Use Code](#), not more than one dwelling structure shall occupy any one lot.

77

78 ...

78 **Chapter 104-22 Form-Based Village Zone FBV**

79 Sec 104-22-1 Purposes And Intent

80 Sec 104-22-2 Applicability

81 Sec 104-22-3 Land Use Table

82 Sec 104-22-4 Special Regulations For Specific Uses

83 Sec 104-22-5 Lot Development Standards

84 Sec 104-22-6 Building Design Standards

85 Sec 104-22-7 Street Types And Street Design

86 Sec 104-22-8 Street Regulating Plans

87 Sec 104-22-9 Parking

88 Sec 104-22-10 Signage

89

90 **Editors note:** *Ord 2021-16, adopted May 25, 2021, merged the MV-1, M-1, M-2, and M-3 zones into a*
91 *single chapter, removing them from Chapter 22, 23, 24, and 25, and placing them into Chapter 21. Ord*
92 *2022-04, adopted January 18, 2022, created the "Form-Based Village Zone" as set forth herein.*

93

94 HISTORY

95 *Adopted by Ord. [2022-04](#) on 1/18/2022*

96

97 **Sec 104-22-1 Purposes And Intent**

98

99 The purpose and intent of the Form-Based Village Zone is to provide a form-based regulatory tool that
100 focuses on the public street design and the buildings that frame the public street. This deemphasizes
101 separation of land uses as is typically found elsewhere in this Land Use Code. Form-based regulations
102 help enable a mixture of allowed uses, multimodal active transportation, and enhanced building design.
103 Additionally:

104

- 105 (a) **Implements the general plan.** The Form-Based Village Zone regulations are intended to carry
106 out the objectives of the 2016 Ogden Valley General Plan through the implementation of form-
107 based small area zoning and transferable development rights.

- (b) **Creates street regulating plans.** Each Village area affected by the Form-Based Village Zone shall be governed by a Street Regulating Plan. The purpose of the Street Regulating Plan is to address specific design and functionality of streets and building facades along these streets. The intent is to stimulate the creation of buildings and streets that frame the public rights-of-way with architectural and design elements that are unified under a common design theme whilst enabling unique building facades.

HISTORY

Adopted by Ord. [2022-04](#) on 1/18/2022

Sec 104-22-2 Applicability

- (a) **New development to comply.** The principles, standards and guidelines of this chapter apply to proposals for new development, changes in land uses, and site improvements to existing buildings, lots, or parcels that are in the Form-Based Village Zone. Exterior modifications to existing development shall comply if the exterior modification exceeds either 25 percent of the street-facing facade of the building, or 25 percent of the lot's street frontage.
- (b) **Other regulations apply.** In the Form-Based Village Zone, except when more specific regulations are provided in this chapter, the CV-2 zoning regulations of [Section ChapterTitle 104 Chapter -20](#), and the design review regulations and architectural, landscape, screening, and design standards of [Section Chapters-Title 108 Chapter -1](#) and [Title 108 Chapter -2](#) apply to all lots, except a lot with only one single-family dwelling.
- (c) **Street regulating plan.** The applicable regulations herein are specific to the street type, as designated by the applicable street regulating plan. New development within the Form-Based Village Zone shall comply with the applicable street regulating plan. Development of any property along a street or that gains primary access from that street shall comply with the street design requirements, as provided in Section 104-22-7, and the building design standards in Section 104-22-6, for the specific type of street. A list and explanation of each street type is provided in Section 104-22-7.
- (d) **Effect of street regulating plan and graphics.** Details in a street regulating plan or any graphic in this chapter have no effect unless expressly provided by this chapter.

HISTORY

Adopted by Ord. [2022-04](#) on 1/18/2022

Sec 104-22-3 Land Use Table

~~The uses outlined in the CV-2 zone, as provided in Section 104-20, apply to any property in the FBV zone that has frontage to or gains access from a government/institutional, vehicle-oriented commercial, mixed-use commercial, or multifamily commercial street type. The following land use table provides additional~~
[The following land use table provides](#) use regulations applicable for each street type. In the list, those designated for any street type as "P" will be a permitted use. Uses designated as "C" will be allowed only when authorized by a conditional use permit obtained as provided in Title 108, Chapter 4 of this Land Use Code. Uses designated "N" will not be allowed on property with frontage on, or that gains access from, that street type.

- (a) **Accessory uses.** [An accessory use is prohibited unless located on the same lot or parcel as the main use to which it is accessory.](#)



STREET TYPE	G&I	VOC	MUC	ME R	SL R	MLR	LL R	R R	EL R	CS	SPECIAL REGULATIONS
<u>Accessory building.</u> A building that is accessory and incidental to the use of a main building.	P	P	P	P	P	P	P	P	P	P	-
<u>Accessory dwelling unit.</u> A dwelling unit that is accessory to a single-family dwelling residential use.	N	N	N	N	P	P	P	P	P	N	See Chapter 108-19.
<u>Accessory use.</u> A use that is accessory and incidental to the main use.	P	P	P	P	P	P	P	P	P	P	-
<u>Agricultural hobby farm</u>	P	P	P	P	P	P	P	P	P	P	
<u>Family food production.</u> Family food production as an accessory use to a single-family dwelling residential use.	N	N	N	N	N	N	P	P	P	N	See Section 104-22-4.
<u>Home occupation.</u> A home occupation that is accessory to a residential use.	P	P	P	P	P	P	P	P	P	N	See Chapter 108-13.
<u>Household pets.</u> Household pets that are accessory to a residential use.	P	P	P	P	P	P	P	P	P	N	-
<u>Main building.</u> A main building that is designed or	P	P	P	P	P	P	P	P	P	P	-

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<u>used to be accessory to an outdoor main use allowed in the zone.</u>											
<u>Parking lot. A parking lot that is accessory to a main use allowed in the zone.</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	See Section 104-22-9.
<u>Produce stand, for produce grown on the premises only.</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Temporary building or use. A temporary building or use that is accessory and incidental to onsite construction work.</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	See Section 104-22-4.

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(b) Agricultural and open space uses, generally.

	G & I	CJK	CIM	RM	RI	RII	RIII	RIII	RIII	RIII	RIII	RIII	RIII	RIII	RIII	SPECIAL REGULATIONS
<u>Agriculture</u> , as a main use of the property.	N	N	N	N	N	N	P	P	P	P	P	P	P	P	P	-
<u>Agricultural experiment station.</u>	P	N	N	N	N	N	N	N	P	P	P	P	P	P	P	-
<u>Agri-tourism.</u>	N	N	N	N	N	N	N	N	P	P	P	P	P	P	P	See Title 108, Chapter 21.
<u>Aquaculture.</u>	N	N	N	N	N	N	N	N	P	P	P	P	P	P	P	-
<u>Botanical or community garden.</u> Open space land for the purpose of growing plants. This use may be for private use or open to the general public with or without a fee.	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-
<u>Fruit or vegetable stand, for produce grown on the premises only.</u>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-
<u>Fruit and vegetable storage and packing plant,</u> for produce grown on premises.	N	N	N	N	N	N	N	N	P	P	P	P	P	P	P	10-acre minimum lot area required.
<u>Grain storage elevator.</u>	N	N	N	N	N	N	N	N	N	P	P	P	P	P	P	10-acre minimum lot area required.
<u>Greenhouse and nursery.</u> Sales are limited to plants produced on the premises.	P	P	N	N	N	N	P	P	P	P	P	P	P	P	P	-
<u>Manure spreading, drying and sales.</u>	N	N	N	N	N	N	N	N	N	P	P	P	P	P	P	-
<u>Wildlife sanctuaries.</u> A wildlife sanctuary.	N	N	N	N	N	N	N	N	N	P	P	P	P	P	P	10-acre minimum lot area required.

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(c) Agricultural uses, animal-oriented. The following are animal-related uses that do not and shall not typically generate customer-oriented traffic to the lot or parcel.

	G & I	CJK	CIM	RM	RI	RII	RIII	RIII	RIII	RIII	RIII	RIII	RIII	RIII	RIII	SPECIAL REGULATIONS
<u>Animal grazing.</u> Animal grazing, as defined in Section ChapterTitle 101 Chapter -2.	N	N	N	N	N	N	P	N	P	P	P	P	P	P	P	See Section 104-22-4.
<u>Apiary.</u> The keeping of bees.	N	N	N	N	C	N	P	N	P	P	P	P	P	P	P	-
<u>Aquaculture, animal related.</u> The raising and potential harvesting of water animals or water plants.	N	N	N	N	N	N	P	P	P	P	P	P	P	P	P	-
<u>Aviary.</u> The raising of birds.	N	N	N	N	N	N	P	P	P	P	P	P	P	P	P	No onsite slaughtering permitted.
<u>Corral or stable .</u> A corral, stable, or building for the keeping of agricultural animals or fowl.	N	N	N	N	N	N	P	P	P	P	P	P	P	P	P	See Section 104-22-4.
<u>Dairy farm,</u> including milk processing and sale, when at least 50 percent of milk is produced on the farm.	N	N	N	N	N	N	P	P	P	P	P	P	P	P	P	10-acre minimum lot area required.

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(d) Amusement, entertainment, and recreation uses. The following are uses oriented toward providing amusement or entertainment for patrons.

	AG	OK	CE	FE	MS	TE	LF	IG	IF	CC	SPECIAL REGULATIONS
<u>Entertainment facility, large indoor.</u> An indoor entertainment facility. As defined in Title 101, Chapter 2, using greater than 20,000 square feet of floor area.	C	C	N	N	N	N	N	N	N	N	
<u>Entertainment facility, outdoor.</u> An outdoor entertainment facility, as defined in Title 101, Chapter 2.	C	C	N	N	N	N	N	N	N	N	
<u>Entertainment facility, small indoor.</u> An indoor entertainment facility, as defined in Title 101, Chapter 2, limited to no more than 20,000 square feet of floor area.	C	C	C	C	N	N	N	N	N	N	
<u>Amusement park.</u> Amusement park.	C	C	N	N	N	N	N	N	N	N	
<u>Amusement park, temporary.</u> An amusement park, circus, petting zoo, pony ring, or carnival that is conducted for no greater longer than one month.	P	P	P	C	N	N	N	N	C	C	
<u>Botanical or zoological garden.</u> A botanical or zoological garden, including petting zoo and pony ring.	P	P	P	P	P	P	P	P	P	P	2-Acre minimum lot or parcel area required.
<u>Campgrounds or picnic areas, commercial.</u> A commercial campground or picnic area.	N	N	N	N	N	N	C	C	C	C	See Section 104-22-4. 2-Acre minimum lot or parcel area required.
<u>Dude ranch.</u> A dude ranch, as defined in Title 101 Chapter 2.	N	N	N	N	N	N	N	P	P	C	10-acre minimum lot or parcel area required.
<u>Golf course.</u> Golf course.	N	N	N	N	N	N	P	P	P	P	This shall not include miniature golf.
<u>Private park, playground or recreation area, noncommercial.</u> A private park charging no fee or remuneration for use.	P	P	P	P	P	P	P	P	P	P	
<u>Public park, recreation grounds.</u> Recreation grounds that are owned and operated by a public entity.	P	P	P	P	P	P	P	P	P	P	
<u>Recreation lodge.</u> A recreation lodge, as defined in Title 101, Chapter 2.	P	P	P	P	P	N	N	N	C	N	
<u>Recreational resort.</u> A recreational resort, as defined in Title 101, Chapter 2.	P	P	P	N	N	N	N	N	N	N	
<u>Shooting range or training course.</u> A shooting range.	C	C	N	N	N	N	N	N	N	C	See Section 104-22-4. Five-acre minimum lot or parcel area required for an outdoor range.
<u>Ski area.</u> A ski area and associated skiing facilities such as lifts, lift towers, and ski runs and trails.	P	P	P	P	P	P	P	P	P	P	

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<u>Ski lodge and associated services</u>	N	N	P	P	N	N	N	N	N	P	<u>When accessory to an allowed ski area.</u>
<u>Swimming pools, private.</u> A private swimming pool.	P	P	P	P	P	P	P	P	P	P	-
<u>Trails.</u> Trails for skiing, equestrian uses, hiking, biking, and similar.	P	P	P	P	P	P	P	P	P	P	-
<u>Zoo.</u>	P	P	N	N	N	N	N	N	N	P	<u>10-acre minimum lot or parcel area required.</u>

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(e) Animal services and uses.

A-G	H-K	L-M	N-O	P-R	S-T	U-V	W-X	Y-Z	AA-AM	AN-AP	AQ-AR	AS-AT
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SPECIAL REGULATIONS

<u>Animal groomery, small animal.</u> Grooming for small animals.	P	P	P	P	N	N	N	N	P	N	<u>A small animal generally weighs less than 250 lbs.</u>
<u>Animal shelter or pound.</u> A dog pound or shelter.	P	C	N	N	N	N	N	N	N	N	-
<u>Dog or cat facility.</u> Dog or cat breeding, kennels, lodging, or training school.	P	C	N	N	N	N	N	C	C	C	<u>If located completely indoors, and inaudible from an adjoining lot or parcel, this use is permitted where listed as conditional.</u>
<u>Horse or equestrian event center.</u> A horse or equestrian event center, including indoor concessions as an accessory use.	P	N	N	N	N	N	N	N	N	C	-
<u>Horse or equestrian training facility and stabling, commercial.</u> A commercial equestrian training facility or horse stable.	N	N	N	N	N	N	N	N	C	C	
<u>Stable for horses, noncommercial.</u> Horses shall be for noncommercial use only.	N	N	N	N	N	N	P	P	P	P	<u>No more than two horses shall be kept for each one-half acre of land used for the horses.</u>
<u>Stray animal shelter.</u> A shelter for stray, lost, or seized animals.	P	C	N	N	N	N	N	N	N	N	
<u>Veterinary facility.</u> Veterinary facility.	P	P	P	C	N	N	N	N	C	C	<u>If located completely indoors, and inaudible from an adjoining lot or parcel, this use is permitted where listed as conditional.</u>

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(f) Food, beverage, and other products sales for human consumption.

G & I CJOV CCM BMM RPS RLR LL BBA TRIF FFD SPECIAL REGULATIONS

<u>Food Preparation and Services:</u>												
<u>Alcoholic beverage production.</u> The production, manufacturing, brewing, and wholesale sales of alcoholic beverages.	P	P	N	N	N	N	N	N	N	N	N	-
<u>Bakery, delicatessen, or catering, large.</u> Bakery or other food preparation services primarily intended for offsite consumption.	P	P	N	N	N	N	N	N	N	N	N	-
<u>Bakery, delicatessen, or catering, small.</u> Bakery or small-batch food processing and retail sales of goods produced on premises, limited to 5,000 square feet floor area. Offsite catering allowed as an incidental and accessory use.	P	P	P	P	N	N	N	N	N	N	N	-
<u>Butcher or other custom meat products, large.</u> A shop in which meats are cut, prepared, cured, smoked, or wrapped for the purpose of sales onsite.	P	P	N	N	N	N	N	N	N	N	N	This use shall not include onsite slaughtering.
<u>Butcher or other custom meat products, small.</u> A shop in which meats are cut, prepared, cured, smoked, or wrapped for the purpose of sales onsite; limited to 5,000 square feet floor area.	P	P	P	P	N	N	N	N	N	N	N	This use shall not include onsite slaughtering.

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<u>Eating and Drinking Establishments, Products Primarily for Onsite Consumption</u>												
<u>Bar.</u> A bar or any other establishment where the primary purpose is the sales and onsite consumption of alcoholic beverages.	P	P	P	P	N	N	N	N	N	N	N	-
<u>Brewery or distillery in conjunction with a restaurant.</u>	P	P	P	P	N	N	N	N	N	N	N	-
<u>Restaurant with drive-up window.</u> Restaurant, all food types, with drive-up windows.	P	P	C	N	N	N	N	N	N	N	N	See drive up (drive-thru) window requirements of Section 104-22-4.
<u>Restaurant.</u> Restaurants, all food types, excluding those with drive-up windows.	P	P	P	P	N	N	N	N	N	N	N	-

<u>Retail, Food, and Drug; Products Primarily for Offsite Consumption.</u>												
<u>Candy or confectionary store.</u> The sales of candy, sweets, snacks, and small batch bakery goods and desserts.	P	P	P	P	N	N	N	N	N	N	N	-

<u>Drugstore or pharmacy.</u>	P	P	P	P	N	N	N	N	N	N	N	If applicable, see drive up (drive-thru) window requirements of Section 104-22-4.
<u>Grocery store.</u> A grocery store, including a store that specializes in the sales of any type of food normally found in a grocery store.	P	P	P	P	N	N	N	N	N	N	N	-
<u>Produce stand, commercial.</u> A commercial produce stand intended for the sales of agricultural products.	P	P	P	P	N	N	N	P	P	P	P	-

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(g) Government and institutional uses.

G	V	M	M	S	M	L	L	B	F	D	SPECIAL REGULATIONS
&	O	C	R	R	L	R	R	O	T	O	

	G	V	M	M	S	M	L	L	B	F	D	SPECIAL REGULATIONS
<u>Cemetery.</u>	P	P	P	P	P	P	P	P	P	P	P	-
<u>Convalescent, rest home, or sanitarium.</u> An establishment for long-term medical treatment of people.	P	P	P	P	P	N	N	N	N	N	N	-
<u>Child daycare.</u> A daycare center operating in compliance with State regulation.	P	P	P	P	P	N	N	N	N	N	N	-
<u>Fire station.</u> Fire and emergency medical service station.	P	P	P	P	P	P	P	P	P	P	P	-
<u>Governmental offices.</u> The offices of a governmental entity.	P	P	P	N	N	N	N	N	N	N	N	-
<u>Instructional facility, large.</u> A facility in which instructional lessons are taught, such as a school or education center, and that does not qualify as a small instructional facility.	P	C	C	N	N	N	N	N	N	N	N	-
<u>Instructional facility, small.</u> An indoor facility in which instructional lessons are taught, such as a school or education center, limited to 10,000 square feet floor area.	P	P	P	N	N	N	N	N	N	N	N	-
<u>Medical facility.</u> A facility, such as a hospital or surgery center, that provides medical services that are typically unavailable from a medical or dental office.	P	C	C	N	N	N	N	N	N	N	N	-
<u>Museum or art gallery.</u> A museum, art gallery, or similar space for historical or educational displays.	P	P	P	P	N	N	N	N	N	N	N	-
<u>Post office.</u> A post office.	P	P	P	P	P	P	P	P	P	P	N	-
<u>Preschool.</u> A preschool operating in compliance with State regulation.	P	P	P	P	P	P	P	P	P	P	N	-
<u>Public library.</u> A library owned and operated by a governmental entity.	P	P	P	P	P	P	P	P	P	P	N	-
<u>Public park.</u> A public park and related recreation grounds and associated buildings and structures.	P	P	P	P	P	P	P	P	P	P	P	-

Public recreation or community center. A recreation or community center owned and operated by a public entity.	P	P	C	C	N	N	N	N	N	N	-
Public schools. A public school or a private educational facility having a curriculum similar to that ordinarily given in public schools.	P	P	P	P	P	P	P	P	P	N	-
Public storage facilities. Storage facilities used by a governmental entity.	P	C	N	N	N	N	N	N	N	N	-
Visitors center. A tourism visitor's center or offices.	P	P	P	P	N	N	N	N	N	N	-
Worship facility. A church, synagogue or similar building used for regular religious worship.	P	P	P	P	P	P	P	P	P	N	-

164 (h) Office uses.

	1-B-G	2-D-K	3-C-E	4-F-H	5-I-J	6-L	7-M	8-N	9-O	10-P	11-Q	12-R	SPECIAL REGULATIONS
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Agency. An agency for real estate, travel, property rental or management, insurance, detective, employment, or similar based on frequency of visiting clientele.	P	P	P	N	N	N	N	N	N	N	N	-
Bank or financial institution. A bank or other financial institution.	P	P	P	N	N	N	N	N	N	N	N	This use shall not include payday loan services.
Medical or dental office. A medical or dental office for routine out-patient care.	P	P	P	N	N	N	N	N	N	N	N	-
Office, generally. Office or studio space for office or studio uses not otherwise listed herein, in which goods or merchandise are not commercially created, exchanged or sold, and that operates with typical office equipment in a relatively quiet and nonintrusive manner.	P	P	P	N	N	N	N	N	N	N	N	-

165 (i) Residential uses.

	1-B-G	2-D-K	3-C-E	4-F-H	5-I-J	6-L	7-M	8-N	9-O	10-P	11-Q	12-R	SPECIAL REGULATIONS
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Bed and breakfast dwelling. A bed and breakfast dwelling, as defined by Title 104, Chapter 2.	P	P	P	P	P	N	N	G	G	N	See Section 104-22-4.
Bed and breakfast inn. A bed and breakfast inn, as defined by Title 104, Chapter 2.	P	P	P	G	G	N	N	G	G	N	See Section 104-22-4.
Dwelling, single-family. A single-family dwelling, as defined by Title 104, Chapter 2.	N	N	N	N	P	P	P	P	P	N	See Section 104-22-4, and TDR requirements of 104-22-11.

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<u>Dwelling, two-family.</u> A two-family dwelling, as defined by Title 101, Chapter 2.	N	N	N	P	P	N	N	N	N	N	N	
<u>Dwelling, three-family.</u> A three-family dwelling, as defined by Title 101, Chapter 2.	N	N	N	P	P	N	N	N	N	N	N	
<u>Dwelling, four-family.</u> A four-family dwelling, as defined by Title 101, Chapter 2.	N	N	N	P	P	N	N	N	N	N	N	
<u>Dwelling, multi-family.</u> A multi-family dwelling, as defined by Title 101, Chapter 2.	P	P	P	P	N	N	N	N	N	N	N	
<u>Dwelling unit.</u> A dwelling unit or condominium dwelling unit, as defined by Title 101, Chapter 2 that is part of a commercial or multifamily dwelling building.	P	P	P	P	N	N	N	N	N	N	N	
<u>Hotel, motel, lodginghouse, condominium rental apartment (condo-tel) or timeshare condominium.</u> A hotel, motel, lodginghouse, condominium rental apartment (condo-tel), or timeshare condominium. † This use may include lockout sleeping rooms, as defined by Title 101, Chapter 2, as an accessory use.	P	P	P	C	N	N	N	N	N	N	N	-
<u>Residential facility for elderly persons.</u>	P	P	P	P	P	P	P	P	P	P	N	See requirements of 104-22-4, and TDR requirements of 104-22-11
<u>Residential facility for handicapped persons.</u>	P	P	P	P	P	P	P	P	P	P	N	See requirements of 104-22-4, and TDR requirements of 104-22-11
<u>Residential facility for troubled youth.</u>	P	P	P	P	P	P	P	P	P	P	N	See requirements of 104-22-4, and TDR requirements of 104-22-11
<u>Short-term rental.</u> A short-term (nightly) rental.	P	P	P	P	C	N	N	N	N	N	N	-
<u>Short-term rental, owner occupied.</u>	P	P	P	P	P	C	C	C	C	C	N	See requirements of 104-22-4.
<u>Workforce housing.</u> Workforce housing, dormitory, or residence hall, or portion thereof.	P	P	P	P	P	P	P	P	P	P	P N	Must comply with "dwelling" requirements of Section 104-22-4.

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(l) Services.

	B&G	CJK	CIM	FIN	FIR	FIM	FIL	GIS	FIF	FID	SPECIAL REGULATIONS
<u>Dry cleaning, laundry, or linen cleaning establishment.</u> The professional cleaning of laundry and linens.	P	P	P	P	N	N	N	N	N	N	-
<u>Household item repair, large.</u> The repair or service of devices that the average person cannot carry without aid of a moving device.	P	P	N	N	N	N	N	N	N	N	-
<u>Household item repair, small.</u> The repair or service of devices that the average person can carry without aid of a moving device.	P	P	P	P	N	N	N	N	N	N	-
<u>Gathering facility, indoor.</u> An indoor facility for rental to clubs, private groups, parties, and organizational groups for recreational activities, including dancing.	P	P	P	P	N	N	N	N	N	N	-
<u>Laboratory.</u> A laboratory for the scientific processing, testing, experimenting, etc., of samples in small enough quantities to not be explosive, toxic, or otherwise hazardous.	P	P	P	N	N	N	N	N	N	N	-
<u>Laundromat.</u> A facility that provides washers and dryers for self-serve laundry service.	P	P	P	P	N	N	N	N	N	N	-
<u>Mortuary or funeral home.</u> Mortuary or funeral home and related sales and services.	P	P	P	N	N	N	N	N	N	N	-
<u>Outdoor recreation guide base-operation.</u> A location that provides a base of operations for an outdoor recreation guide service.	P	P	P	P	N	N	N	N	N	N	-
<u>Parcel drop-off service.</u> A service for the collection and shipment of small parcels, and accessory sales or services.	P	P	P	P	N	N	N	N	N	N	-
<u>Printing and copying service without retail shop.</u> Printing, lithographing, publishing or reproductions sales and services, including engraving and photo engraving.	P	P	N	N	N	N	N	N	N	N	-
<u>Tailor services.</u> The altering, pressing, or repairing of articles of clothing. Creation of new articles of clothing is permitted as long as the clothing is sold in an onsite retail establishment.	P	P	P	P	N	N	N	N	N	N	-
<u>Taxidermist.</u> Taxidermy services.	P	C	N	N	N	N	N	N	N	N	-

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(m) Storage.

G	P	C	M	S	M	L	P	P	P	SPECIAL REGULATIONS
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<u>Outdoor storage.</u> The storage of anything that meets the definition of "outdoor storage" pursuant to Section Chapter Title 101 Chapter -2	N	N	N	N	N	N	N	N	N	N	-
<u>Self-storage.</u> Indoor storage units for personal or household items or vehicles.	P	P	N	N	N	N	N	N	N	N	See Section 104-22-4.
<u>Warehouse storage.</u> The storage of products or goods that are or will be for sale.	C	N	N	N	N	N	N	N	N	N	-

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(n) Utility uses.

G	P	C	M	S	M	L	P	P	P	SPECIAL REGULATIONS
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<u>Public utility substations.</u>	P	P	P	P	P	P	P	P	P	P	-
<u>Wastewater treatment or disposal facilities.</u>	P	P	P	P	P	P	P	P	P	P	See Title 108, Chapter 10.
<u>Water treatment or storage facility.</u>	P	P	P	P	P	P	P	P	P	P	-
<u>Small wind energy system.</u>	P	N	N	N	N	N	N	P	P	P	See Section 108-7-24
<u>Solar energy system.</u>	P	P	P	P	P	P	P	P	P	P	See Section 108-7-27

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(o) Vehicle-oriented uses.

G	P	C	M	S	M	L	P	P	P	SPECIAL REGULATIONS
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<u>Airport, private and commercial.</u>	C	N	N	N	N	N	N	N	N	N	-
<u>Automobile sales or rentals, indoor.</u> The sale or rental of a passenger automobile.	P	P	C	N	N	N	N	N	N	N	-
<u>Automobile sales or rentals, outdoor.</u> The sale or rental of a passenger automobile.	P	C	N	N	N	N	N	N	N	N	See Section 104-22-4.
<u>Boat sales or rentals.</u> The sale or rental of a motorized boat.	P	C	N	N	N	N	N	N	N	N	See Section 104-22-4.
<u>Car wash.</u> A car wash of any type that is not accessory to a gas or refueling station as regulated otherwise herein.	P	C	N	N	N	N	N	N	N	N	See Section 104-22-4.
<u>Gas or refueling station.</u> A gas or refueling station, which may include a convenience store and an automatic carwash as an accessory use.	C	C	N	N	N	N	N	N	N	N	See Section 104-22-4.

<u>Motor vehicles sales or rentals.</u> The rental or sales of motor vehicles not otherwise listed herein.	C	C	N	N	N	N	N	N	N	N	N	See Section 104-22-4.
<u>Parking lot or structure.</u> A parking lot or parking structure.	P	P	P	P	N	N	N	N	N	N	N	-
<u>Passenger vehicle repair or service of any kind.</u> The repair or service of any passenger automobile or any other motorized vehicle less than 10,000 lbs gross vehicle weight.	C	C	N	N	N	N	N	N	N	N	N	-
<u>Trailer sales or rentals.</u>	C	C	N	N	N	N	N	N	N	N	N	-
<u>Transit terminal.</u>	P	P	N	N	N	N	N	N	N	N	N	-
<u>Truck gas or refueling station.</u> A gas or refueling station oriented toward large freight vehicles, which may include a convenience store and an automatic carwash as an accessory use.	N	N	N	N	N	N	N	N	N	N	N	-
<u>Trucking terminal.</u> The repair, service, and/or storage of freight trucks, or a station for transferring freight.	N	N	N	N	N	N	N	N	N	N	N	-

174

175 **Editors note:** The color adjacent to each street type corresponds with the street colors on the
 176 streetregulating plan map(s). The color codes for each are as follows:

RGB	G&I	VOC	MUC	MFR	SLR	MLR	LLR	RR	ELR	OS
R	25	176	204	255	255	255	255	138	83	75
G	151	33	51	120	170	210	255	153	128	191
B	156	157	0	0	0	0	0	66	69	96

177 HISTORY

178 Adopted by Ord. 2022-04 on 1/18/2022

179

180 **Sec 104-22-4 Special Regulations**

181
182 **Sec 104-22-4.1 Special Regulations, Generally.**

183 (a) All uses, generally. All uses listed in the use table are indoor uses, unless specifically stated
184 otherwise. All indoor uses shall not generate noise, outdoor lighting, vibration, smoke, dust or
185 airborne particulate matter, refuse, or anything else that is uncommon to the established character
186 of the neighborhood to such a degree as to be perceptible to constitute a nuisance to the
187 occupants of the immediate area.

188 (a)(b) Drive up (drive-thru) window. Any business with a drive up (drive-thru) window
189 shall comply with the following:

- 190 (1) The window shall be located on the rear of the building. The rear of the building shall
191 be determined as the side of the building opposite from the building's facade that faces
192 the public street. If on a corner along a government or institutional street or vehicle-
193 oriented commercial street, the window may be located on the side of the building
194 that ~~can be~~ is visible from the less prominent street.
- 195 (2) The stacking lanes and drive up (drive-thru) queue, and the parking spaces devoted
196 to the drive up (drive-thru) window shall be located in an area that is not visible from the
197 more prominent street right-of-way when the area is fully built-out.
- 198 (3) One drive up (drive-thru) queue space that is at least 20 feet in length may substitute a
199 parking space required by this Land Use Code.

200 (c) Perpetual building maintenance agreement. When a building is set back less than ~~five~~ ten feet
201 from a property line, a perpetual building maintenance agreement is required between the
202 building owner and the affected adjacent property owner, which shall allow for construction and
203 maintenance of the side or rear of a commercial building, and shall:

- 204 (1) be reviewed for compliance with this section by the Planning Division and County
205 Attorney's Office;
- 206 (2) place responsibility on the building owner for prompt repairs and maintenance of the
207 side or rear of the building;
- 208 (3) require allowances of access to the property for repairs and maintenance purposes;
- 209 (4) be signed by the owner of the building and the adjacent property owner and be recorded
210 on the title of both properties.

211
212 **Sec 104-22-4.2 Special Regulations For Specific Uses.**

213 ~~Animal grazing.~~ This use shall not include the supplementary or full feeding of the animals,
214 ~~except when in compliance with the following:~~

- 215 ~~It may only be carried on during times that are reasonable and necessary due to lack of~~
216 ~~natural growing feed as a result of seasonal changes or extreme and temporary~~
217 ~~meteorological events.~~
- 218 ~~It shall not exceed a density of 25 head per acre of used land in the AV-3 and A-1 zones,~~
219 ~~and 40 head per acre of used land in the A-2 and A-3 zones.~~
- 220 ~~It shall not be closer than 75 feet to any dwelling, public or semi-public building on an~~
221 ~~adjoining parcel of land.~~

222 (a) **Automobile or other vehicle related uses.** The use of a lot for automobile repair of any
223 kind, automobile sales, rental or service, boat sales, rental or service, a tire shop, or any
224 other use governed by this section by reference shall only be conducted within a completely
225 enclosed building that meets the standards of this chapter.

- 226 (1) No vehicle awaiting service shall be stored outside for more than one day.
- 227 (2) Sufficient parking for all employee or customer uses, including the temporary parking of

vehicles awaiting pickup from owners, shall be provided on the lot.

(3) No vehicles associated with the use shall be parked on the street. However, up to 20 vehicles may be temporarily parked in a parking lot meeting all applicable parking standards of this land use code if the [vehicles are available for immediate purchase, lease, or rent, and as long as all other standards of this Land Use Code are met.](#)

(b) **Automobile repair of any kind.** Refer to paragraph (b) of this section.

~~(b)~~(c) **Automobile sales, rentals, or service.** Refer to paragraph (b) of this section.

~~**Bed and breakfast dwelling.** Bed and breakfast dwelling is subject to the following standards:~~

~~Two parking spaces shall be provided for the host family plus one space for each guest room;~~

~~Proprietor or owner/Owner shall occupy the property;~~

~~Meals shall only be served to overnight guests;~~

~~Signs are limited to a nameplate identification sign not exceeding two square feet in area per dwelling;~~

~~Not more than two guests/guest sleeping rooms per dwelling;~~

~~Allowed only in existing dwellings with no exterior additions nor change in residential character;~~

~~Business license shall be obtained.~~

~~**Bed and breakfast inn.** A bed and breakfast inn is subject to the following regulations:~~

~~Proprietor/Host or owner shall occupy the premises while guest/guests are present;~~

~~Not more than seven sleeping rooms per inn;~~

~~Two parking spaces shall be provided for the host family plus one space for each guest sleeping room.~~

~~The guest parking shall be in the rear of the Inn/inn.~~

~~Meals shall be served to registered overnight guests only;~~

~~Signs are limited to one name plate or one identification sign of not more than eight square feet in area;~~

~~Design review approval, as provided in Title 108, Chapter 1 is required. The site shall be landscaped to provide a visual and noise buffer to adjoining property. A landscape plan shall be submitted with the design review application;~~

~~The inn shall be of a historic period or other distinguishable architectural style or design so as not to resemble the modern block motel appearance;~~

~~A business license shall be obtained;~~

~~All units shall be in one building, together with owner's or host's residence;~~

~~As an accessory and incidental use, small events, such as weddings, family reunions, business retreats, and art or cooking classes are allowed, provided they do not exceed 75 participants and not more than four events held per calendar month;~~

(d) **Boat sales or service.** Refer to paragraph (b) of this section.

(e) **Campgrounds or picnic areas, commercial.** A commercial campground or picnic area shall comply with Title 108, Chapter 20. If located along any street in the FBV zone except open space, an opaque fence or wall shall surround the use. Vegetation screening shall be planted on the outside of the fence or wall to allow the use to blend in with surrounding uses. A drip irrigation system shall be installed to ensure long-term viability of the vegetation.

(f) **Car wash.** Where allowed, a car wash is subject to the following restrictions:

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- (1) Operation hours are only allowed between 6:00 a.m. and 10:00 p.m.
- (2) There shall not be more than four washing bays for a manual spray car wash.
- (3) Car wash facilities shall be set back from the street right-of-way at least 60 feet, reserving street frontage for buildings that provide street-facing commercial facades.
- (4) The off-street vehicle spaces or queues required shall be as follows:
 - a. One bay car wash, four spaces in the approach lane;
 - b. Two bay car wash, three spaces in the approach lane for each wash bay;
 - c. Three or more bay car wash, two spaces in the approach lane for each wash bay.

(g) Corral or stable. This use shall be located no less than 100 feet from a public street and not less than 25 feet from any side or rear lot line

(e)(h) Dwelling or dwelling unit. The regulations for a dwelling unit use listed in the land use table are as follows:

- (1) Types of dwellings allowed. ~~The type of dwelling or~~ A dwelling unit allowed along any given street type is governed as provided Section 104-22-7 on a government and institutional, vehicle-oriented, mixed use commercial, or multi-family residential street shall be constructed to a multifamily residential standard in accordance with the International Building Code.

~~(a) Density allowance and transferable development rights. As provided in the Ogden Valley General Plan, the creation of dwelling units in the FBV zone shall not create any new density in the Ogden Valley Planning Area unless otherwise provided in this Land Use Code. To establish the residential dwelling unit rights that exist on a lot or parcel in the FBV zone, or to increase or decrease residential dwelling unit rights on a lot or parcel in the FBV zone, the following apply:~~

- ~~(1) For a lot or parcel rezoned to the Form-Based Village Zone from a zone that allows residential dwelling units, the base density **shall be the same as the density that was allowed in the prior zone.** This shall be documented by recording a covenant to the lot or parcel that provides a calculation of the base density. The covenant shall run with land, and be between the owner and the County.~~

- ~~(2)(1) Additional residential dwelling units are permitted on any lot that has street frontage on any street type in the street regulating plan except a rural residential street and a general open space street. However, no new density is allowed unless the landowner has successfully negotiated the reallocation of an equal number of dwelling unit rights from another lot or parcel that has an available dwelling unit right as determined by the lot or parcel's base density and adjusted for any previous dwelling unit right reduction or addition. The reallocation shall be made by recording a covenant to each affected lot or parcel. Each covenant shall run with the land and be between the owner and the County. Each covenant shall document the applicable lot or parcel's calculated base density; the number of dwelling units already developed on the lot or parcel; the number of dwelling unit rights subtracted from, or added to, the base density by any means; and the number of dwelling unit rights remaining for the lot or parcel.~~

~~(3)(1) Residential dwelling unit rights may be transferred to a lot or parcel in a FBV zone from any lot or parcel in the following zones within the Ogden Valley Planning Area: RE-15, RE-20, AV-3, F-5, FV-3, S-1, FR-1, FR-3, RMH-1-6, CVR-1, and FBV.~~

~~(4)(1) Regardless of number of residential dwelling unit rights transferred to a lot or parcel in the FBV zone, the number of dwelling units actually constructed shall be limited by what can be constructed given compliance with the standards of this chapter.~~

~~(4) Dwelling unit location.~~

- ~~(2) A dwelling unit **is allowed above** proposed along a government and institutional, vehicle-oriented commercial, or a mixed-use commercial street shall be located on a lot as follows:~~

- 322 a. Above any street-level commercial space; or
- 323 b. ~~A multi-family dwelling, where allowed, shall be located behind~~Behind a
- 324 building that provides street-level commercial space, or if no such building
- 325 exists at the time of application, behind the area reserved for street-level
- 326 commercial space as otherwise required herein. ~~The only exception to this rule~~
- 327 ~~is when it is located adjacent to a street designated for multi-family.~~ The
- 328 location shall provide for the existing and future planned street layout of the
- 329 area, including the future street-level commercial space that will face future
- 330 streets, and internal block alleyways.
- 331 (3) Two, three, four, and multi-family residential: Unless one of the units is owner
- 332 occupied, a two, three, four, or multi-family residential building shall be operated and
- 333 maintained by a professional management company that specializes in multi-family
- 334 residential property management.
- 335 (4) Density allowance and transferable development rights. No dwelling units in excess
- 336 of the base density, as defined by Title 101, Chapter 2, and as provided in Section 104-
- 337 22-11, are allowed in the form-based village zone except when in compliance with the
- 338 transferable development rights requirements of Section 104-22-11.
- 339 (i) Family food production.
- 340 (1) As used in this subsection, a Group A animal is either one pig, one sheep, one cow, or
- 341 one goat, and Group B animals or fowl are either a set of ten rabbits, ten chickens, ten
- 342 pheasants, five turkeys, five ducks, five geese, or five pigeons.
- 343 (2) No more than four sets of Group B animals or fowl may be kept on a lot or parcel that is
- 344 less than 40,000 square feet.
- 345 (3) No more than six combined sets of Group A animals and Group B animals or fowl may
- 346 be kept on a lot or parcel that is less than two acres. The same applies to a lot or parcel
- 347 greater than two acres, except that an additional six combined sets of Group A and
- 348 Group B animals or fowl may be kept per each additional acre greater than two.
- 349 (d)(i) Gas or fuel station. A gas or fuel canopy shall not be located closer to a public street
- 350 right-of-way, excluding a mid-block alley, than 60 feet. The canopy shall be located to the rear of
- 351 the convenience store associated with the canopy.
- 352 (k) General retail sales, small items. This use is any store that primarily retails or rents items to
- 353 be physically taken by the customer from the store, when those items weigh less than 80 lbs,
- 354 including product packaging, or that are small enough to fit in a typical passenger vehicle. The
- 355 use is limited to 4,000 square feet of retail floor-area. No sales yard is permitted. No sales of
- 356 items intended to be explosive or hazardous to human health, safety, or welfare is permitted.
- 357 (l) General retail sales, large items. This use is any store that primarily retails or rents items to be
- 358 physically taken by the customer from the store, when those items weigh more than 80 lbs,
- 359 including product packaging, or that are too large to fit in a typical passenger vehicle. This use
- 360 may include an outdoor sales yard of no greater than 6,000 square feet as long as it is completely
- 361 surrounded by an opaque wall. No sales of items intended to be explosive or hazardous to human
- 362 health, safety, or welfare is permitted.
- 363 (e)(m) ~~Office, commercial. Along mixed-use streets, commercial uses. A use listed in the "office~~
- 364 ~~space~~uses" table may only be located above or behind first-floor street-level commercial space,
- 365 reserving the street frontage for first-floor street-level commercial space. A local recreation and
- 366 tourism office devoted to providing services, information, and events primarily for visitors to the
- 367 Ogden Valley is exempt from this requirement provided that it is open and accessible to all
- 368 members of the public.
- 369 (n) Shooting range or training course, indoor or outdoor. The facility shall provide designated
- 370 shooting positions for which ballistic backstops are designed. No shooting is allowed except in
- 371 these designated shooting positions. All sides down range of a shooting position shall have a
- 372 non-ricochet ballistic backstop, including overhead and on the ground or floor, capable of
- 373 containing all errant bullets. For an outdoor range, the overhead backstop may be a series of

374 baffles. Approval shall be subject to the requirements and conditions of the local fire authority.
375 The range operator shall be onsite at all times shooting is occurring.

376 (o) **Short-term rental, owner occupied.** The residence shall be the owner's primary residence, be
377 taxed as such, and the owner shall have owned the residence for at least two years prior to
378 submitting a Land Use Permit for the owner-occupied short-term rental. Additionally, the owner
379 must be present at all times in which the property is being rented on a short-term basis.

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380 (p) **Self-storage.** Self-storage is only allowed if located on the same lot or parcel with a building that
381 has street-facing commercial space. The use shall comply with the following:

382 (1) Storage units shall be located behind or above building area that provides a first-story
383 street-facing commercial façade and related commercial space. The building providing
384 street-facing commercial space shall appear from the exterior as if office or residential
385 space is offered in the area housing the storage units.

386 (2) If located in a separate onsite building than the building providing first-story street-facing
387 commercial space specified in Subsection (w)(1) herein, the separate building shall be
388 located behind the building with first-story street-level commercial space, and shall be
389 no wider than the building providing first-story street-level commercial space.

390 (3) Storage unit bay doors or garage doors shall face away and not be visible from the
391 nearest property line, and shall be completely obscured from view from any public right-
392 of-way.

393 (q) **Temporary building or use.** The building or use shall be removed upon completion or
394 abandonment of the construction work.

395 ~~(r)~~ **Tire shop.** Refer to paragraph (a) of this section.

396 (s) **Vendor, short term.** No booth or vehicle shall be permanently affixed to the ground, nor shall it
397 be stationary for more than four days at a time.

398 HISTORY

399 *Adopted by Ord. 2022-04 on 1/18/2022*

400

401 **Sec 104-22-5 Lot Development Standards**

402 The following site development standards apply to a lot or parcel in the Form-Based Village Zone,
 403 unless specified otherwise in this Land Use Code. The table headers provide the street types, as
 404 described in Section 104-22-7, in abbreviated form. A lot fronting or gaining access from one of these
 405 street types shall be developed in accordance with the corresponding development standard.

406 (a) **Lot area.**

407

STREET TYPE:	MINIMUM LOT AREA:
Government and Institutional (G/I)	None No minimum
Vehicle-Oriented Commercial (VOC)	
Mixed-Use Commercial (MUC)	
Multi-Family Residential (MFR)	
Small Lot Residential (SLR)	6 3,000 square feet
Medium Lot Residential (MLR)	8,000 square feet
Large Lot Residential (LLR)	20,000 square feet
Very-Large Lot Rural Residential (VLLR RR)	40,000 square feet
Rural Estate Lot Residential (RR)	3 acres
Open Space (OS)	None No minimum

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408
 409
 410 (b) **Lot width and frontage.**

411

STREET TYPE:	MINIMUM LOT WIDTH AND STREET FRONTAGE:
Government and Institutional (G/I)	12 feet
Vehicle-Oriented Commercial (VOC)	
Mixed-Use Commercial (MUC)	
Multi-Family Residential (MFR)	
Small Lot Residential (SLR)	60 30 feet
Large Medium Lot Residential (LLR SLR)	100 50 feet
Very-Large Lot Residential (VLLR LLR)	150 100 feet
Rural Residential (RR)	150 feet

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Estate Lot Residential	
Open Space (OS)	No minimum, None

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(c) **Front lot-line setback.**

STREET TYPE:	FIRST-FLOOR STREET-LEVEL COMMERCIAL BUILDING FAÇADE		ALL OTHER BUILDING FAÇADES	
	MINIMUM FRONT LOT-LINE SETBACK:	MAXIMUM FRONT LOT-LINE SETBACK	MINIMUM FRONT LOT-LINE SETBACK:	MAXIMUM FRONT LOT-LINE SETBACK
Government and Institutional (G/I)	No minimum	5 feet, or 20 feet if providing public dining or gathering space.*	40 feet**	No maximum
Vehicle-Oriented Commercial (VOC)				
Mixed-Use Commercial (MUC)				
Multi-Family Residential (MFR)			5 feet	10 feet*
Small Lot Residential (SLR)	Not Applicable		5 feet	No maximum
Medium Lot Residential (SLR)	Not Applicable		20 feet	30 feet
Large Lot Residential (LLR)	Not Applicable		30 feet	No maximum
Rural Residential (RR)				
Estate Lot Residential				
Open Space (OS)				

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*This maximum front yard setback shall be waived if at least 90 percent of the lot's street front is already occupied by a similar building.

**Except for a public plaza, this setback distance shall remain clear from permanent building improvements or significant financial investments until or unless a first-floor street-level commercial building facade is constructed that meets the five-foot maximum building setback. Any parking provided in this area shall not be included in the overall parking calculations.

425 (d) *Side lot-line setback.*

STREET TYPE:	MINIMUM SIDE LOT-LINE SETBACK:	MAXIMUM SIDE LOT-LINE SETBACK:
Government and Institutional (G/I)	None, unless the side lot-line is within 10 feet of an agricultural or residential zone, in which case the setback is 10 feet. No minimum. See requirements of perpetual maintenance agreement in Section 104-22-4.1	No maximum one, however any space between buildings shall be open for pedestrian passage to internal block areas, unless designed, constructed, and actively used (when whether weather permits) for outdoor dining, shopping, or other street activities that are open to the public.
Vehicle-Oriented Commercial (VOC)		
Mixed-Use Commercial (MUC)		
Multi-Family Residential (MFR)		
Small Lot Residential (SLR)	105 feet	None No maximum
Large Medium Lot Residential (LLR MLR)		
Very Large Lot Residential (VLLR LLR)	10 feet	
Rural Residential (RR)		
Estate Lot Residential (ELR)		
Open Space (OS)		

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426
427 (e) *Rear lot-line setback.*

STREET TYPE:	MINIMUM REAR LOT-LINE SETBACK:
Government and Institutional (G/I)	None No minimum. See requirements of perpetual maintenance agreement in Section 104-22-4.1 unless the rear lot line is within 10 feet of an agricultural or residential zone, in which case the setback is 10 feet.
Vehicle-Oriented Commercial (VOC)	
Mixed-Use Commercial (MUC)	
Multi-Family Residential (MFR)	
Small Lot Residential (SLR)	205 feet
Large Medium Lot Residential (LLR MLR)	3020 feet
Very Large Lot Residential (VLLR LLR)	30 feet
Rural Residential (RR)	
Estate Lot Residential	
Open Space (OS)	

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(f) **Lot coverage.**

STREET TYPE:	MAXIMUM PERCENT OF LOT COVERAGE BY BUILDINGS:	MAXIMUM NUMBER OF- RESIDENTIAL BUILDINGS <u>DWELLING UNITS</u> <u>ALLOWED PER LOT:</u>
Government and Institutional (G/I)	None <u>No maximum, provided compliance with all other requirements.</u>	None <u>No maximum</u>
Vehicle-Oriented Commercial (VOC)		
Mixed-Use Commercial (MUC)		
Multi-Family Residential (MFR)		
Small Lot Residential (SLR)	80 <u>85</u> percent	1 <u>4</u>
Large <u>Medium</u> Lot Residential (LLR <u>MLR</u>)	50 percent	1*
Very <u>Large</u> Lot Residential (VLLR <u>LLR</u>)	30 percent	1*
Rural Residential (RR)	20 percent	1*
<u>Estate Lot Residential</u>	<u>10 percent</u>	<u>1</u> *
Open Space (OS)	20 <u>2.5</u> percent	Not applicable

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*Not including an accessory dwelling unit, as provided in Section 108-19.

Loading and unloading. Each building anticipated to receive deliveries from a truck that has a gross vehicle weight greater than 26,000 lbs shall be provided with an off-street loading and unloading area behind the building.

Building location. Each building shall be located on a lot in a manner that preserves space for the extension of street rights-of-way as shown in the street regulating plan, and the lot's respective setback standard.

HISTORY

Adopted by Ord. 2022-04 on 1/18/2022

Sec 104-22-6 Building Design Standards

455 [Sec 104-22-6.1 Building Design Standards Per](#)
 456 [Street Type](#)

457 [Sec 104-22-6.2 Building Design Standards By](#)
 458 [Village Area](#)

459
 460 HISTORY

461 *Adopted by Ord. [2022-04](#) on 1/18/2022*

462
 463 **Sec 104-22-6.1 Building Design Standards Per Street Type**
 464

465 The follow table provides regulations applicable to all buildings in the FBV zone. They are broken out by
 466 street type, as represented in the applicable street regulating plan.

467
 468
 469 (a) **Height.**

STREET TYPE:	MINIMUM BUILDING HEIGHT LOT IN NORDIC VALLEY-VILLAGE-AREA CORNER LOT CORNER LOT INTERNAL LOT	MAXIMUM BUILDING HEIGHT LOT IN NORDIC VALLEY-VILLAGE-AREA CORNER LOT CORNER LOT INTERNAL LOT
Government and Institutional (G&I)		
Vehicle-Oriented Commercial (VOC)	25 feet 40 feet One-story 35 feet	55 feet 45 feet 35 feet 50 feet
Mixed-Use Commercial (MUC)		
Multi-Family Residential (MFR)		
Small Lot Residential (SLR)		
Large Medium Lot Residential (LLR MLR)	One-story One-story	35 feet
Very-Large Lot Residential (VLLR LLR)		
Rural Residential (RR)		

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Estate Lot Residential		
Open Space (OS)	None	25 feet 25 feet, except a greater height is allowed for a grain storage elevator or similar agriculturally supportive use.

470
471 *A lot on the corner of a mid-block alley, as illustrated on the applicable street regulating plan, is not a
472 corner lot for the purpose of this table.
473

474 (b) **Building area.**

STREET TYPE:	MINIMUM LOT AREA: MAXIMUM BUILDING FOOTPRINT:
Government and Institutional (G&I)	30,000 square feet*
Vehicle-Oriented Commercial (VOC)	
Mixed-Use Commercial (MUC)	10,000 square feet
Multi-Family Residential (MFR)	None
Small Lot Residential (SLR)	
Large Medium Lot Residential (LLR MLR)	
Very Large Lot Residential (VLLR LLR)	
Rural Residential (RR)	
Estate Lot Residential	
Open Space (OS)	

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476
477 *Government buildings and schools are exempt from building area maximum.
478

479 (c) **First-floor building standards.**

STREET TYPE:	VERTICAL DISTANCE OF FIRST-FLOOR SURFACE ELEVATION FROM THE STREET SIDEWALK'S SURFACE ELEVATION*:	MINIMUM FIRST-FLOOR STORY HEIGHT	FIRST-FLOOR LOAD-BEARING SUPPORTS

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Government and Institutional (G&I)	30 inches maximum.	12 feet	Columns and beams, no interior load bearing walls. A column shall be at least 10 feet away from another column or exterior load-bearing wall.
Vehicle-Oriented Commercial (VOC)		+615 feet	
Mixed-Use Commercial (MUC)			
Multi-Family Residential (MFR)	5 feet minimum, except 0-feet30 inches for building area to be used for commercial purposes.	10 feet, except +615 feet for areas of the first floor to be used for commercial space.	For commercial area, same as MUC. Not applicable for residential parts of the building.
Small Lot Residential (SLR)	Not applicable	Not applicable	Not applicable
LargeMedium Lot Residential (LLRMLR)			
Very Large Lot Residential (VLLRLLR)			
Rural Residential (RR)			
Estate Lot Residential			
Open Space (OS)			

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482

Main-entrance-recess-from-facade

STREET TYPE:	BUILDING FACADE FOR FIRST FLOOR STREET LEVEL COMMERCIAL AREA SHALL HAVE A MAIN ENTRANCE THAT IS RECESSED FROM THE FACADE BY NO LESS THAN:
Government and Institutional (G&I)	5-feet
Vehicle-Oriented Commercial (VOC)	
Mixed-Use Commercial (MUC)	
Multi-Family Residential (MFR)	Not applicable
Small Lot Residential (SLR)	
Large Lot Residential (LLR)	

Very Large Lot Residential (VLLR)	
Rural Residential (RR)	
Open Space (OS)	

483

484

(d) **Transparent fenestration requirements.**

STREET TYPE:	MINIMUM FENESTRATION FOR THE FIRST STORY FACADE OF A BUILDING - FACADE FOR FIRST STORY...		MINIMUM FENESTRATION FOR THE SECOND STORY AND ABOVE BUILDING FACADE FOR SECOND STORY AND ABOVE...	
	STREET-FACING:	ALLEY-FACING:	STREET-FACING:	ALLEY-FACING:
Government and Institutional (G&I)	50 percent	30 percent	30 percent	
Vehicle-Oriented Commercial (VOC)	70 percent	40 percent	40 percent	
Mixed-Use Commercial (MUC)				
Multi-Family Residential (MFR)	70 percent for commercial facade, 30 percent for residential facade.	40 percent	40 percent	
Small Lot Residential (SLR)	Not applicable		Not applicable	
Large Medium Lot Residential (LLR/MLR)				
Very Large Lot Residential (VLLR/LLR)				
Rural Residential (RR)				
Estate Lot Residential				
Open Space (OS)				

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(e) **Main entrance requirements.** Each building along a government and institutional, vehicle-oriented commercial, mixed-use commercial, or multi-family street shall be provided with a main entrance that faces the street. Except when the building is setback set back from the street right-of-way at least four feet, the main entrance shall be recessed from the building's facade no less than five feet.

491

HISTORY

492

Adopted by Ord. [2022-04](#) on 1/18/2022

493
494
495 **Sec 104-22-6.2 Building Design Standards By Village Area**
496

497 The following provides regulations applicable to the architecture and design of buildings in each village
498 area, except for single-family, two-family, three-family and four-family dwellings. Each village area, as
499 depicted in the applicable street regulating plan, has a unique architectural theme as provided herein.
500 Each building, except those excepted herein, is required to be designed by a licensed architect. After
501 receiving recommendation from a licensed architect, the planning commission may allow minor
502 modifications to the applicability of the standards in this section as long as it results in a design that better
503 aligns with the intent of the design theme and blends well with the design features of adjacent buildings.
504

- 505 ~~(a)~~ **Licensed architect required.** ~~In each village area, buildings shall be designed by a licensed~~
506 ~~architect. A building's street-facing facade shall be designed to have a base, body, and cap, each~~
507 ~~of varying design features and building material. At least one of the building materials used~~
508 ~~on the building facade shall also be used on all other sides of the building.~~
509 ~~(b)~~**(a) Old Town Eden Village Area Building Design Standards.** In addition to applicable
510 standards in this chapter, the following standards apply to all buildings in the Old Town Eden
511 Village Area, except buildings on a lot that contains one or two single-family dwellings:

512 (1) **Design theme.** All buildings shall have architectural styling and materials that resemble
513 historic commercial main-street buildings in the Western United States that were in
514 existence between 1880 and 1910. Each new building shall provide diversity and
515 variety in building design, architectural features, and building material that set each
516 building apart from adjacent buildings.

517 (2) **Building form.** ~~A building's street-facing facade shall be designed to have a base, body,~~
518 ~~and cap, each of varying design features and building material.~~

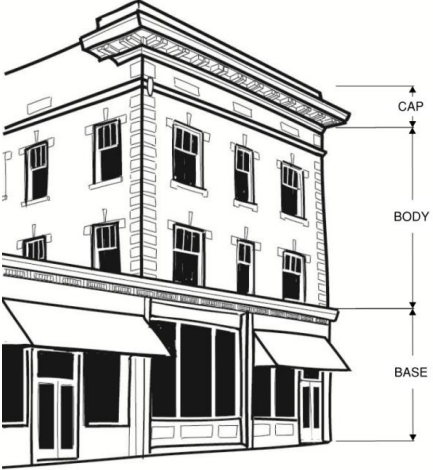
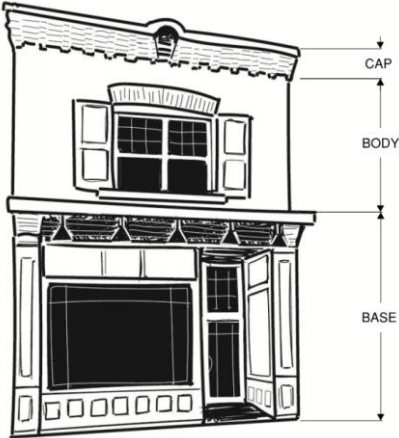
519 ~~(2)~~**(3) Rooflines.** Rooflines shall be broken every 50 feet, with no less than a ~~12-inch~~
520 ~~12-~~
521 ~~inch~~ shift between adjacent rooflines. If the building will have a sloped roof, parapet
walls shall be constructed to hide the roof slope.

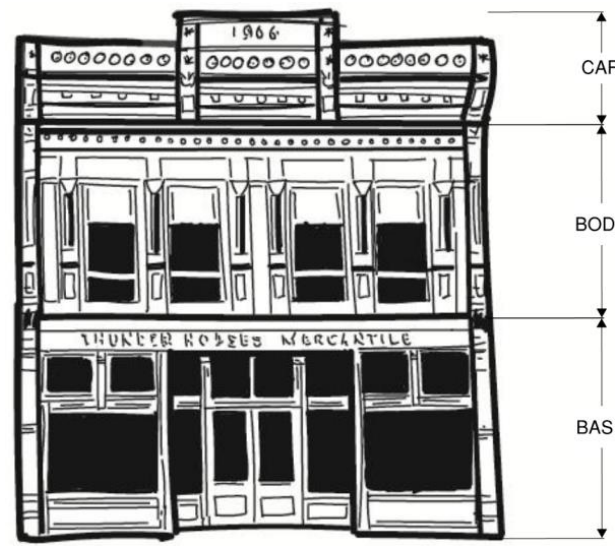
522 ~~(3)~~**(4) Building massing.** The wall massing of building facades shall be broken at
523 least every 40 feet with no less than a ~~six-inch~~
524 ~~six-inch~~ shift in the plane of adjacent walls.
525 Each street-facing facade shall be designed and constructed to have a building base,
526 building body, and varying building roofline, each having varying building materials or
design techniques.

527 ~~(4)~~**(5) Building material.** Each building facade that faces the street shall consist of brick,
528 or wood, or a faux material that is hard to distinguish from real brick, or wood. Metal
529 may be used for accent material. At least one of the building materials used on the
530 building facade shall also be used on all other sides of the building.

531 ~~(5)~~**(6) Colors.** Natural colors of wood and brick, as well as natural metals with an aged
532 patina, are allowed. Other muted earth-tone paints may be used as long as they
533 complement the age period. No more than 70 percent of a building's facade shall be
534 white.

535 ~~(6)~~**(7) Examples.** Examples of generally acceptable architectural features are depicted
536 in the following images. Any conflict between details in the images and regulations
537 in this chapter shall be interpreted in favor of the regulations in the chapter.
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(e)(b) **New Town Eden Village Area building design standards.** In addition to applicable standards in this chapter, the following standards apply to all buildings in the New Town Eden Village Area, except buildings on a lot that contains one or two single-family dwellings:

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(1) **Design theme.** All buildings shall have architectural styling and materials that implement agrarian-style architecture. Agrarian-style architecture shall incorporate at least two of the following four options:

546

a. Either a gable roof at a 6/12 or greater slope, a gambrel roof, or a monitor roof.

547

b. An attached shed-roof at a 4/12 or greater slope that is not attached to the main roof structure.

548

549

c. A clerestory or cupola.

550

d. Gable-style dormer windows.

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(2) **Building form.** A building's street-facing façade shall be designed to have a base, body, and varying roofline, each of varying design features and building material.

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554

(3) **Rooflines.** Rooflines shall be broken every 50 feet, with no less than a 12 inch shift between adjacent rooflines.

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(4) **Building massing.** The wall massing of building facades shall be broken at least every 40 feet with no less than a six-inch shift in the plane of adjacent walls. Each street-facing façade shall be designed and constructed to have a building base, building body, and varying building roofline, each having varying building materials or design techniques.

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(5) **Building material.** Building façade walls shall be finished with no less than two diverse types of material. The primary building material shall be wood siding or similar appearing siding. At least one of the building materials used on the building façade shall also be used on all other sides of the building.

564

a. Brick or stone may be used in place of wood if approved by the Land

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Use Authority.

566

- b. Metal siding may be used on the building's body, as long as the building's base is made of brick or stone, and as long as the metal siding is broken horizontally by brick or stone every twenty feet, and is treated to create a natural-appearing aged patina.

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~~(5)~~(6) **Colors.** Muted earth-tone colors are required. No more than 70 percent of a building's facade shall be white.

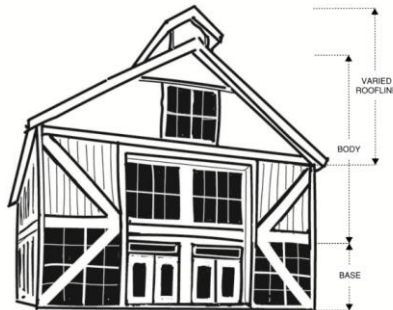
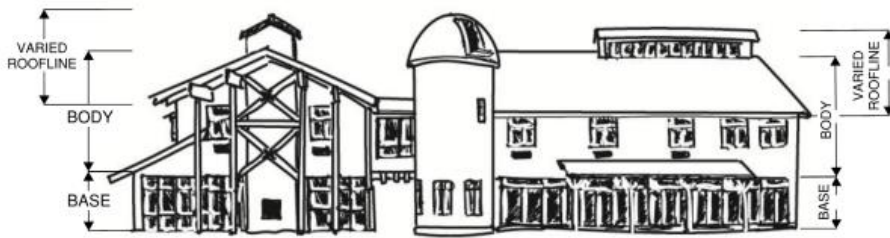
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~~(6)~~(7) **Examples.** Examples of generally acceptable architectural features are depicted in the following images. Any conflict between details in the images and regulations in this chapter shall be interpreted in favor of the regulations in the chapter.

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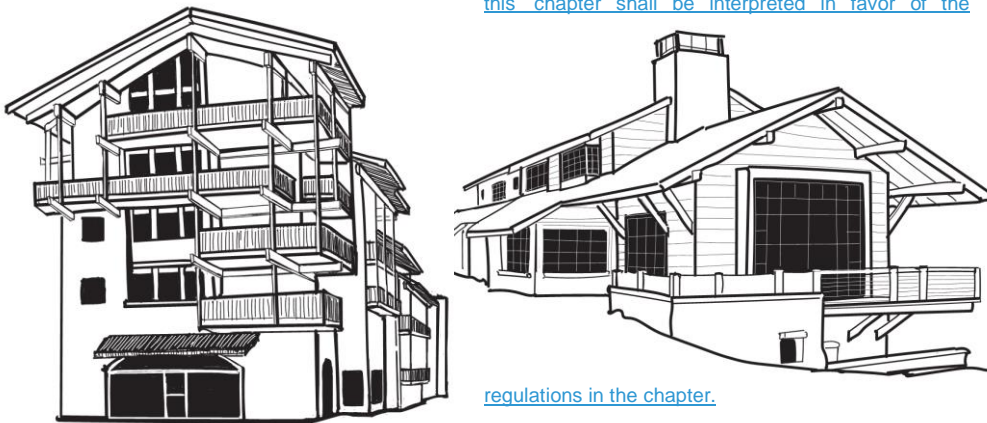
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(c) [Nordic Valley Village Area building design standards.](#) In addition to applicable standards in this chapter, the following standards apply to all buildings in the Nordic Village Area, except

buildings on a lot that contains a one or two single-family dwelling:

- (1) **Design theme.** All buildings shall have architectural styling and materials that implement a modern interpretation of alpine design. A modern interpretation of alpine design includes a balance between modern alpine and classical alpine design features. The following design features are intended to provide minimum stylistic requirements to implement this design theme.
- (2) **Building form.** A building's street-facing façade shall be designed to have a base, body, and varying roofline, each of varying design features and building material.
- (3) **Rooflines.** Buildings shall have varying rooflines of predominantly gabled roofs. Rooflines shall be broken every 100 feet, with no less than a 12 inch shift between adjacent rooflines that are on the same plane.
- (4) **Building massing.** The wall massing of building facades shall be broken at least every 50 feet with no less than a six-inch six-inch shift in the plane of adjacent walls. Each street-facing façade shall be designed and constructed to have a building base, building body, and a varying building roofline.
- (5) **Building material.** Building façade walls shall be finished with no less than two primary and one secondary type of building material. The primary building materials shall be real cut stone, glass, or wood siding or similar appearing siding with a natural wood finish. The secondary building materials include metal, wood, large-cut timbers, metal beams and columns, or concrete or other flat-surface building material which may be colored as allowed herein. At least one of the building materials used on the building façade shall also be used on all other sides of the building.
 - a. Each building shall have at least 60 percent primary building material.
 - b. The base of the building shall be at least 60 percent stone, except those areas occupied by transparent fenestration.
 - c. Use of metal shall be limited to trim, balconies, railing, exposed structural components, and roofs.
 - d. No more than ten percent of any building façade shall be exposed concrete.
- (6) **Colors.** Muted earth-tone colors are required. No more than 30 percent of a building's facade shall be white.
- (7) **Examples.** Examples of generally acceptable architectural features are depicted in the following images. Any conflict between details in the images and regulations in this chapter shall be interpreted in favor of the



regulations in the chapter.

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620 HISTORY

621 *Adopted by Ord. [2022-04](#) on 1/18/2022*

622

623 **Sec 104-22-7 Street Types And Street Design**

624 Sec 104-22-7.1 Street Types And Right-Of-Way Cross

625 SectionsSec 104-22-7.2 Street Design Standards

626 HISTORY

627 *Adopted by Ord. [2022-04](#) on 1/18/2022*

628

629 **Sec 104-22-7.1 Street Types And Right-Of-Way Cross Sections**

630

631 (1) ***Right-of-way dedication.*** As development occurs on each lot or parcel, the owner shall dedicate
 632 area for public right-of-way with a width as depicted in the table below or as otherwise adopted,
 633 to form a block pattern as depicted in the applicable street regulating plan.

634 (2) ***Drawings required.*** Each application for development shall provide engineered construction
 635 drawings of the street improvements required herein.

636 (3) ***Street type, description, and purpose.***

637 a. ***Government/institutional street.***

A government/institutional street or alley has street-front buildings that are intended to serve the traveling public. The primary purpose of the street is for the siting of government or public-service oriented buildings fronting the street. Public-service oriented buildings may include any governmental, nonprofit, or for-profit school as long as the school provides the same K-12 educational courses required by the State of Utah, or a school that is an accredited institution of higher education. Hospitals or other medical services buildings, including medical, dental, or mental-health offices, laboratories, or similar public-health related offices, a public transportation facility or a multimodal transportation hub are also intended to be street-adjacent. Except for a public transportation facility, pickup and drop off areas shall be located to the rear of the building.

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639 b. ***Vehicle-oriented commercial street.***

A vehicle-oriented commercial street or alley has street-front buildings that are intended to serve the traveling public, such as a large grocery store, drive-through or drive-up window service of varying kinds, and gas station. Street-front buildings that are not vehicle oriented are also allowed. Multi-family residential uses are allowed only if located above first-floor street-level commercial space.

640

641 c. ***Mixed-use commercial street.***

A mixed-use commercial street has street-front buildings that are oriented toward pedestrian traffic. At the street-level, these buildings shall be exclusively used or reserved for commercial retail Multi-family residential uses are allowed if located above first-floor street-level commercial space.

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d. Multi-family residential street.

A multi-family residential street has street-front buildings that are used for multi-family dwellings, and are ~~setback~~ set back from the street enough to provide a stoop or door yard between the facade and the street's sidewalk. First-floor building space intended for residential uses shall be offset by half a story from the plane of the street's sidewalk. First-floor street-level commercial area is permitted, but not required. Commercial uses are not permitted above the first-floor street-level.

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e. Mid-block alley.

Each street type may have an associated mid-block alley, where shown on the applicable street regulating plan. As development occurs, sufficient area shall be preserved and constructed to provide the mid-block alley to provide access to parking areas, garages, and other uses or buildings that are located in the middle of the block. The location of an alley shall be in the locations depicted by the applicable street regulating plan, and designed at a minimum in accordance with the ~~graphic to the right~~ standards herein, and at a maximum to the standards applicable for a public street. Some mid-block alleys connect to adjoining residential streets. Where they connect, the applicable standards shall change to residential street standards. Snow removal for an alley is the responsibility of all landowners, collectively, or an HOA, that have a parking area that has an access from the alley.

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f. Small-lot residential street.

A small-lot residential street has street-front buildings that ~~are~~ may be setback set back further more than multi-family residential street facades, but are less likely to ~~provide~~ have a ~~small~~ noticeable front yard area.

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g. Medium-lot residential street.

~~A medium-lot residential street has street-front buildings that are~~ may be setback set back further more than ~~multi-family~~ small-lot residential street facades to provide a small front yard area.

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g.h. Large-lot residential street.

A large-lot residential street has street-front buildings that ~~are~~ may be setback set back enough to create a sizeable front yard on a lot that is large.

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h.i. ~~Very large-lot~~ Rural residential street.

A ~~very large-lot~~ rural residential street has street-front buildings that ~~are~~ may be setback set back enough to create a sizeable front yard on a lot that is ~~very~~ at least an acre large.

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i.j. Rural Estate lot residential street.

A rural ~~estate lot~~ residential street has street-front buildings that ~~are~~ may be setback-set back enough to create a sizeable front yard, on a lot that contains multiple acres.

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j-k. **General open space street.**

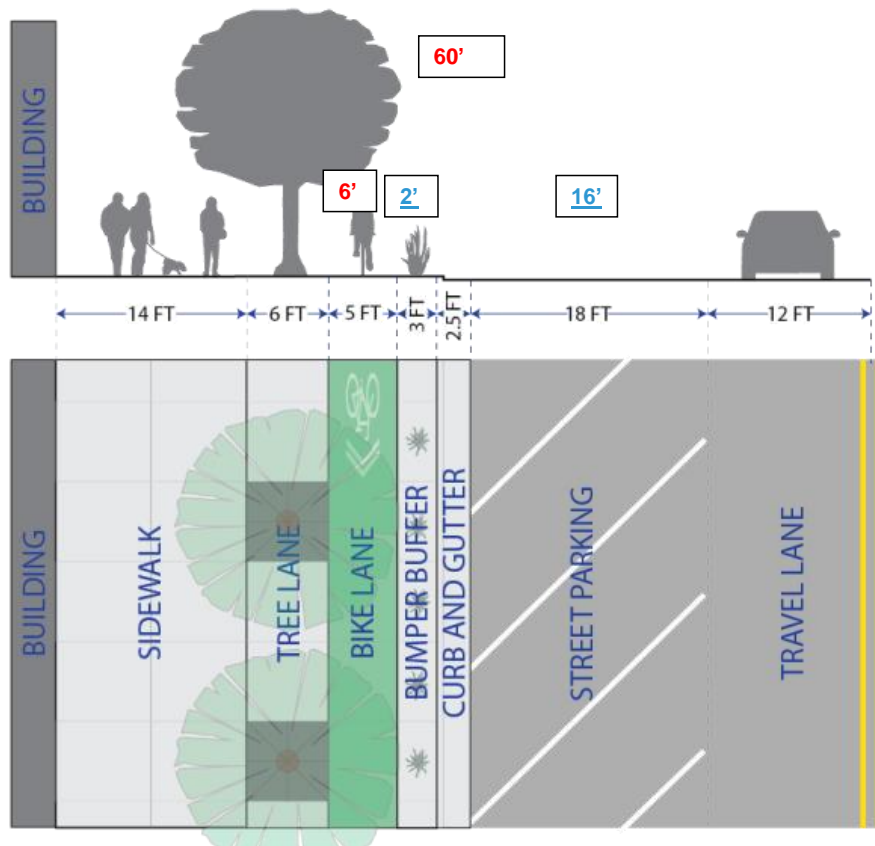
A general open space street has very limited buildings adjacent to the street, and only those that are incidental and accessory to the open space.

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(4) **Street right-of-way design.**

a. **Commercial street design.** The design for a governmental and institutional street, vehicle-oriented commercial street, mixed-use commercial street, and multi-family residential street is as follows:

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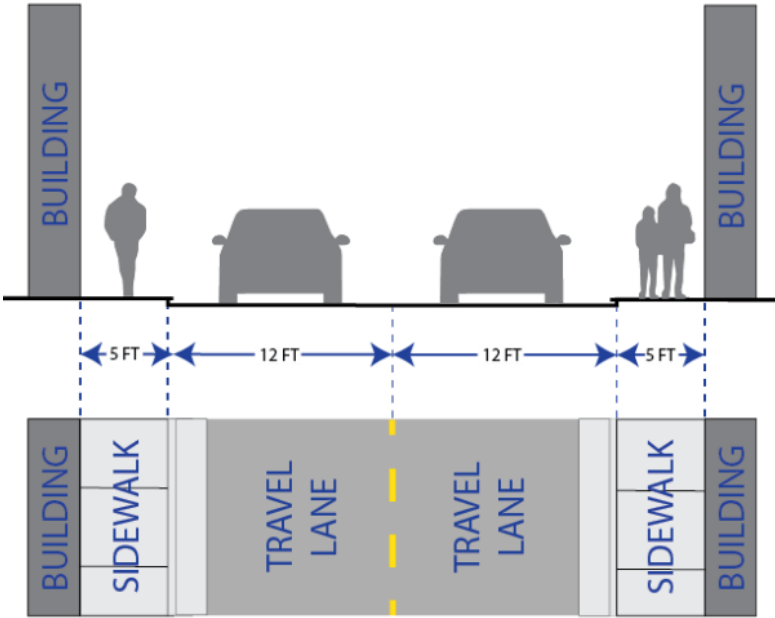


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b. **Commercial alley design.** The design for a governmental and institutional alley, vehicle-oriented commercial alley, mixed-use commercial alley, and multi-family residential alleys is as follows:



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c. **Residential street design.** The design for all non-multi-family residential streets is as follows: See Section 106-4-5.

Editors note: The color adjacent to each street type corresponds with the street colors on the streetregulating plan map(s). The color codes for each are as follows:

RGB	G&I	VOC	MUC	MFR	SLR	MLR	LLR	RR	ELR	OS
R	25	176	204	255	255	255	255	138	83	75
G	151	33	51	120	170	210	255	153	128	191
B	156	157	0	0	0	0	0	66	69	96

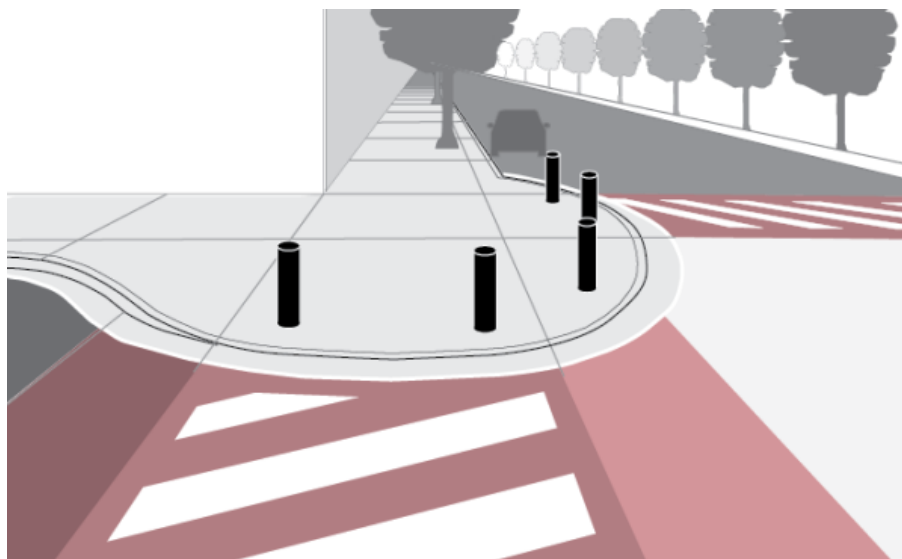
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HISTORY
Adopted by Ord. [2022-04](#) on 1/18/2022

690 **Sec 104-22-7.2 Street Design Standards**

691
 692 For all mixed-use commercial, vehicle oriented commercial, multi-family residential, and
 693 government/institutional street types, the following provisions shall apply. Other streets shall follow
 694 adopted residential street design standards.

695
 696 (a) **Pedestrian priority design.** The street shall be designed to prioritize pedestrian use. At primary
 697 points of conflict between pedestrian uses and vehicle uses, the street facility shall be designed
 698 and constructed to promote pedestrian safety, comfort, and efficiency.

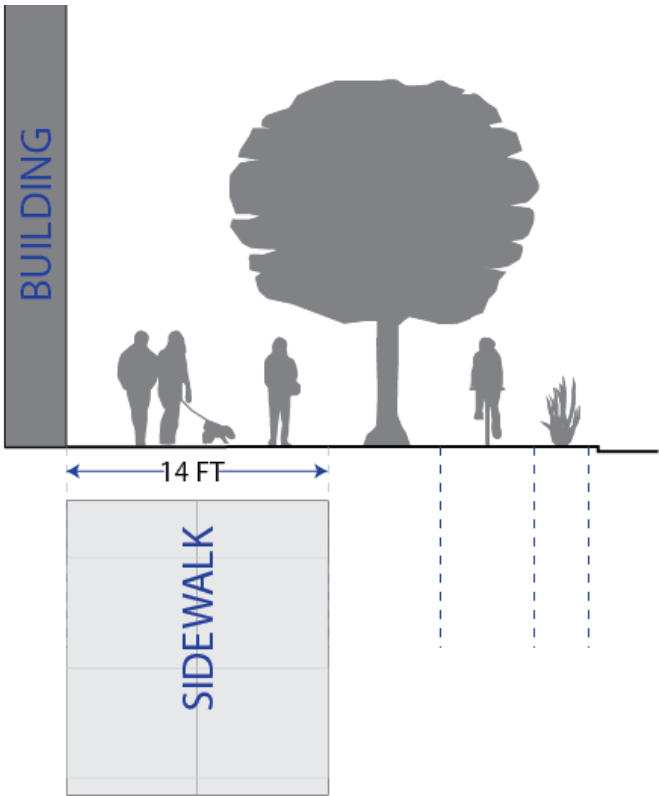


- 699
- 700 (1) **Raised crosswalks.** Where a pedestrian-way intersects with a vehicle-way, the
 701 pedestrian-way shall be raised at least six inches above the grade of the vehicle-
 702 way, or to the level of the adjoining pedestrian-ways, whichever is higher. This shall
 703 include but is not limited to the installation of crosswalks and intersections that are
 704 raised to the same plane as the sidewalk or adjoining pathways.
- 705 (2) **Curb extension bulb-outs.** In order to provide traffic calming and pedestrian safety,
 706 street improvements at intersections, pedestrian crossings, and mid-block alleys, if
 707 different, shall be constructed with curb extensions that ~~bulb-out~~ **bulb out** directly
 708 adjacent to the lane of travel. Bike lane widths shall not be obstructed or made
 709 narrower at any point along a curb extension bulb-out. Bulb-outs shall be designed to
 710 the specifications of this ordinance and the County Engineer, or as otherwise adopted.
 711 Where a bulb-out provides access to a raised pedestrian crosswalk, bollards shall be
 712 installed along the curve of the bulb-out to keep vehicles from entering the pedestrian-
 713 way. Examples of bulb-outs are depicted in the images above.
- 714 (3) **Crosswalk contrast.** For enhanced noticeability, in addition to white retroreflective
 715 striping, crosswalks shall be constructed of stamped and colored concrete to
 716 provide clear contrast between the street and crosswalk.
- 717 (4) **Mid-block crosswalk.** Each block shall be provided with a mid-block crosswalk. Solar
 718 powered user-activated rapid flashing beacons shall be installed on midblock
 719 crosswalk signage.



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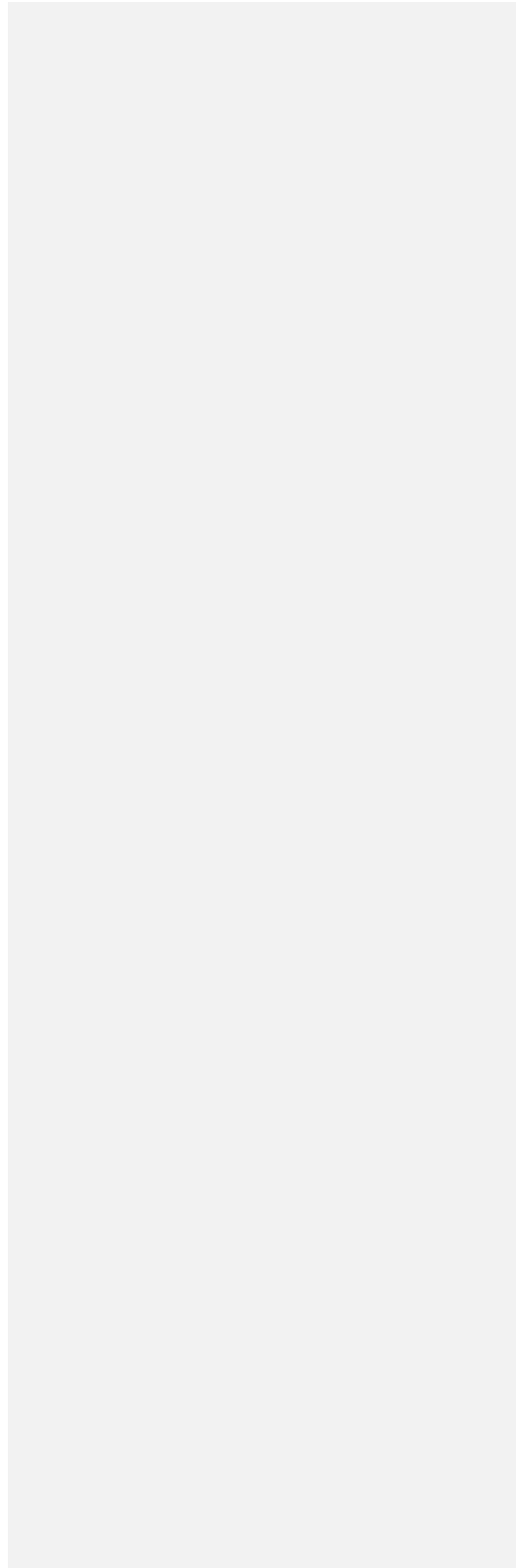
737 (b) **Sidewalk required.** As part of the required street improvements within the FBV zone, a sidewalk
738 shall be installed in the designated sidewalk area, as depicted in Section 104-22-7.1, on the side
739 of the street of the development and for the entire length of the development lot's street frontage.
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- (1) **Paved pathway alternative.** A 10-foot wide paved pathway may be installed in lieu of the required sidewalk along any street designated as residential except the multi-family residential street



762 (2) **Covered boardwalk alternative.** The County Commission may, but is not obligated
763 to, approve the encroachment of a covered boardwalk, or similar, by legislative
764 approval of an encroachment and maintenance contract. The adjoining
765 landowners shall bear full responsibility for the operations and maintenance of the
766 boardwalk. The coveredboardwalk shall comply with the overhead projections
767 standards of this chapter.

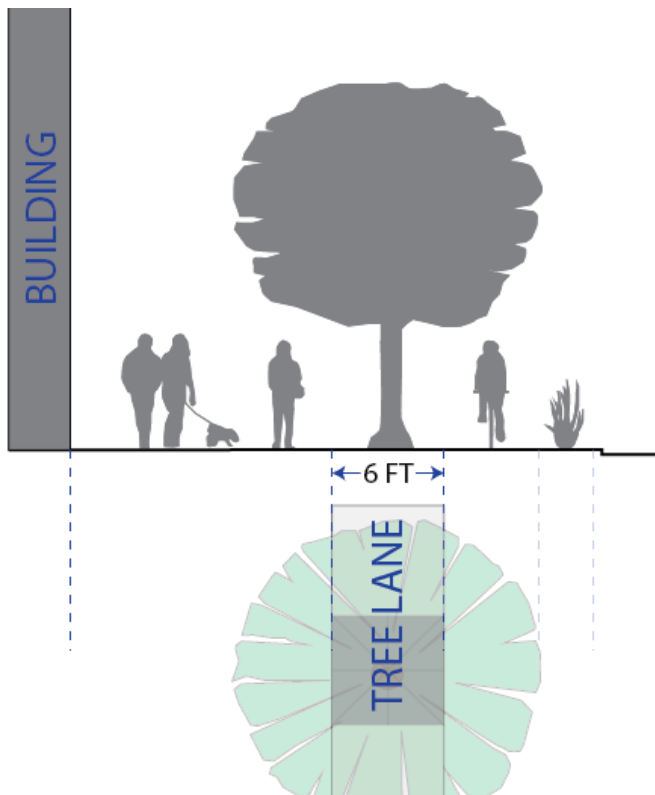


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(c) **Street trees required.** As part of the required street improvements within this zone, street trees shall be installed in the designated tree lane, as depicted in Section 104-22-7.1, on the same side of the street as the development and for the entire length of the development lot's street frontage. Tree species shall be approved by the Planning Director and County Engineer as part of the review of the development. A street tree plan shall be submitted as part of a development application and shall be accompanied by a letter from a certified arborist or landscape architect, certifying that the proposed tree type is suitable considering site conditions and local climate. The plan shall include planting methods that are specific to the site conditions. Planting methods shall provide means of protecting the longevity of the tree and the street infrastructure. Street trees shall be provided with a permanent watering method with irrigation infrastructure installed underground.

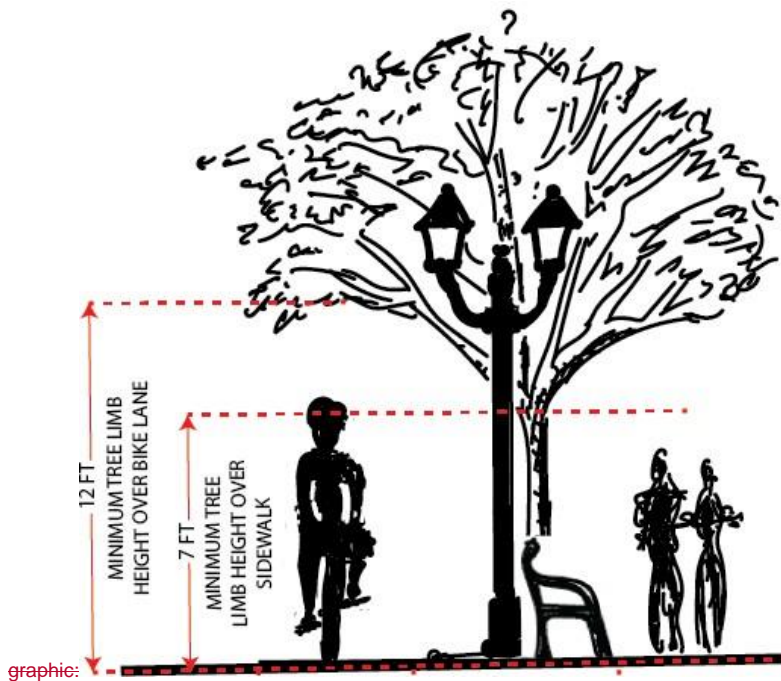
- (1) **Tree planting.** No street tree shall be planted within the clear view triangle as provided in Section 108-7-7, Section 106-4-5, or the American Association of State Highway and Transportation Officials (AASHTO) standards. To provide continuous shade of the pedestrian areas, spacing between tree trunks shall equal the average diameter of the specific tree species' canopy at maturity. However, in the Nordic Valley Village area, each block shall have the same number of trees that is equal to one tree per every 50 linear feet of street on both sides of the street, and the trees may be grouped in clusters of no greater than ten trees, rather than equally spaced along the right of way.



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- (2) **Tree maintenance.** Unless an association, district, or other collective funding and maintenance entity is approved by the County to provide tree maintenance, a street tree shall be maintained by the owner or proprietor of the property that is immediately adjacent to the street right-of-way where the tree is located. A tree maintenance plan shall be submitted as part of the development review for new development. Trees shall be pruned in a manner that gives at least a seven foot clearance above the sidewalk and a 12 foot clearance above a bike lane or parking area, as depicted by the following [graphic](#):

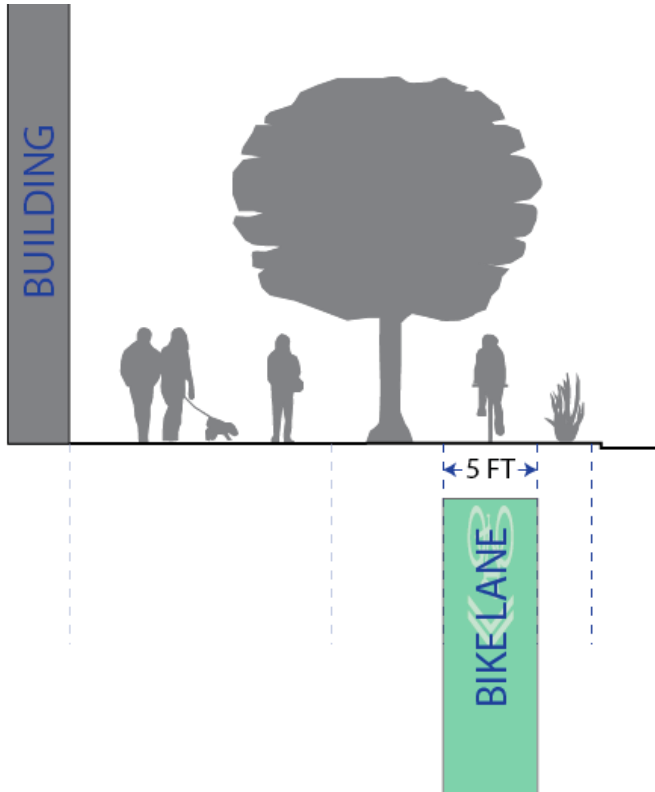


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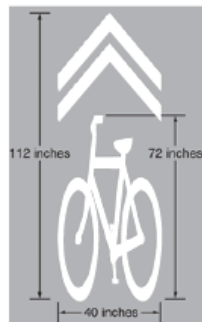
(d) ***Bike facilities required.***

- (1) ***Separated bike lane.*** A concrete bike lane that is five feet in width shall be installed as part of the required street improvements. The bike lane shall be on the same plane as the sidewalk, and shall be separated from the pedestrian walkway by the tree lane.



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- (2) **Bike lane alternative.** When topography results in the inability to safely create sufficient street right-of-way width, the County Engineer has discretion to allow a bike lane to occupy the street's vehicle travel lane. In these cases, a five-foot wide retroreflective green bike lane shall be applied to the center of the lane, and marked with retroreflective sharrows as depicted by the following graphic:

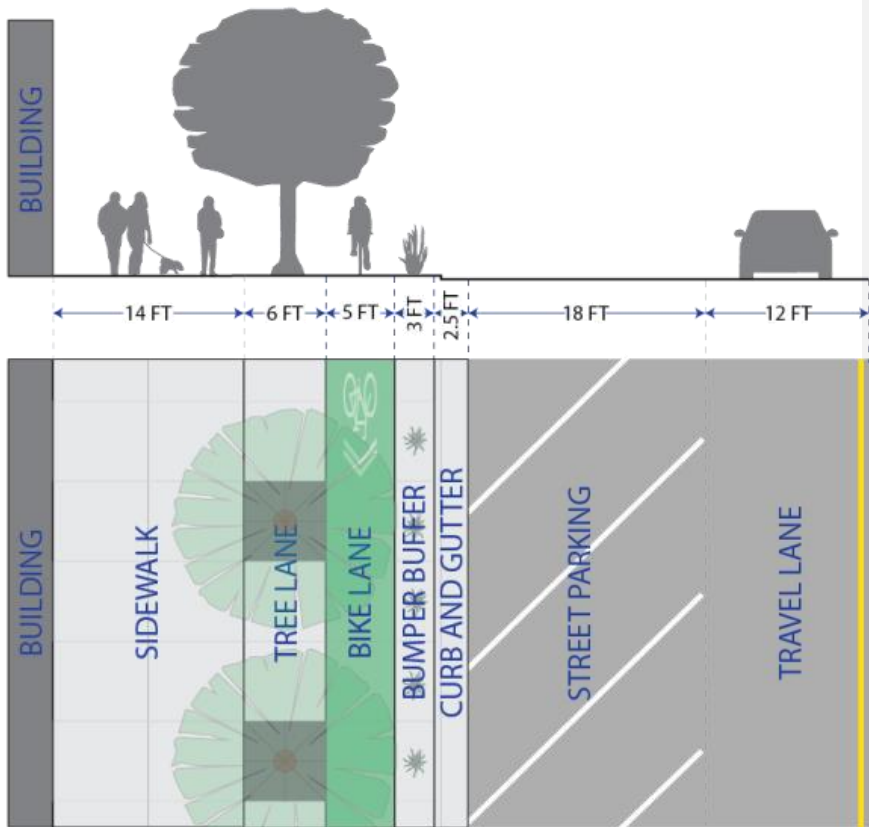


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(e) **Street parking required.**

- (1) **45-degree angle parking.** Each street shall be designed and constructed to provide 45-degree angled parking.
- (2) **Street parking alternative.** When topography results in the inability to safely create

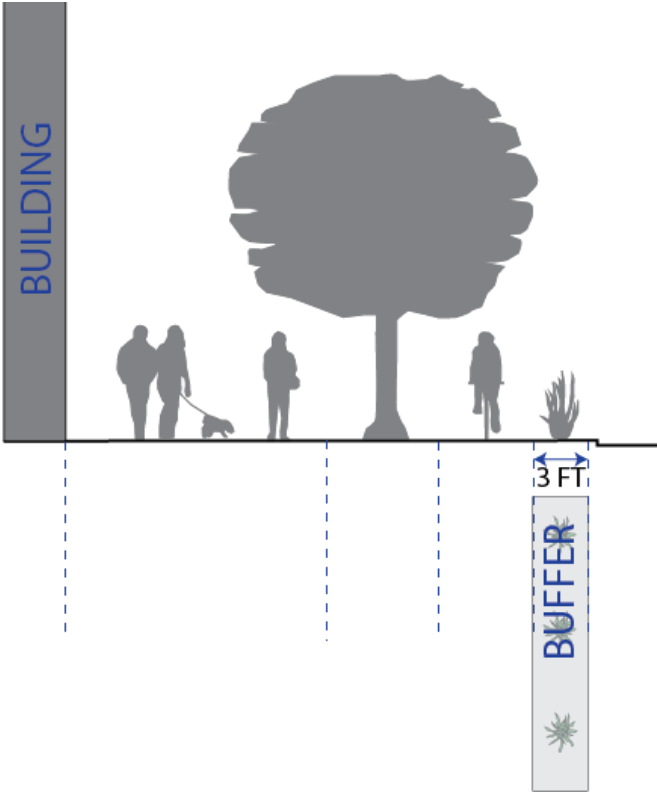


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sufficient street right-of-way width, the County Engineer has discretion to allow a parallel street-parking design instead.

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(3) **Parking bumper buffer.** A three-foot parking buffer shall be provided between the bikelane and the curb for vehicle bumper overhang. Vegetation may be in this buffer.



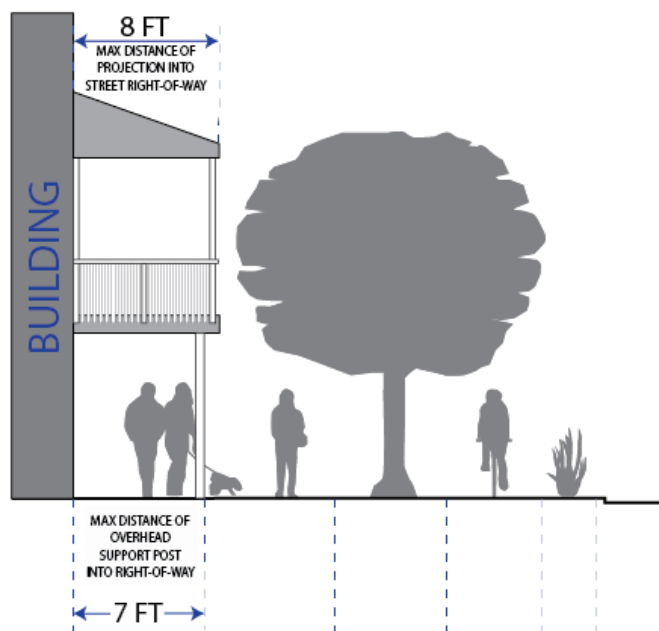
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(f) **Curb, gutter, and drainage facilities.** Curb, gutter, and drainage facilities shall be installed along each street and internal alleyway in accordance with the County's standard curb and gutter cross sections and in a manner that accommodates the street designs herein.

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(g) **Items in public right-of-way.**

- (1) **Overhead projections.** Overhead building projections such as but not limited to awnings, canopies, balconies, and cantilevers, are permitted within the public right-of-way, provided that they leave a vertical clearance over the sidewalk or walkway of no less than nine feet, and shall not project more than eight feet into the public right-of-way. Any support post beneath the building projection shall be no greater than seven feet from the building façade, be designed to offer minimal disruption to sidewalk traffic, and meet all ADA clearance requirements.



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- (2) **Amenities and furniture.** Non-permanent street amenities such as street furniture for outside dining, benches, bike racks, planters, and street sales and displays are permitted between street trees and along sidewalks as long as they do not cause any hazard to the use of the bike lane; and they are located in a manner that leaves a continuous seven-foot wide pedestrian walkway.

911 (3) **Street Lighting.** Street lighting shall be installed as part of the required street
912 improvements within this zone. Street lighting shall complement the architectural design
913 theme of the area.

914 (4) **Overhead utilities.** All new development shall move all existing overhead utilities
915 underground, and install all new utilities underground as well.

916
917 (h) Round-a-bout. A round circle along any street intersection on the street regulation plan
918 indicates a planned round-a-bout. As development occurs, street right-of-way shall be
919 dedicated to the County to accommodate at least a 110-foot diameter round-a-bout. Round-a-
920 bout improvements shall be installed if required by the County Engineer. Otherwise, all
921 improvements installed shall be installed in a manner that does not create an undue burden on
922 the construction of a future round-a-bout.

923 HISTORY

924 Adopted by Ord. 2022-04 on 1/18/2022

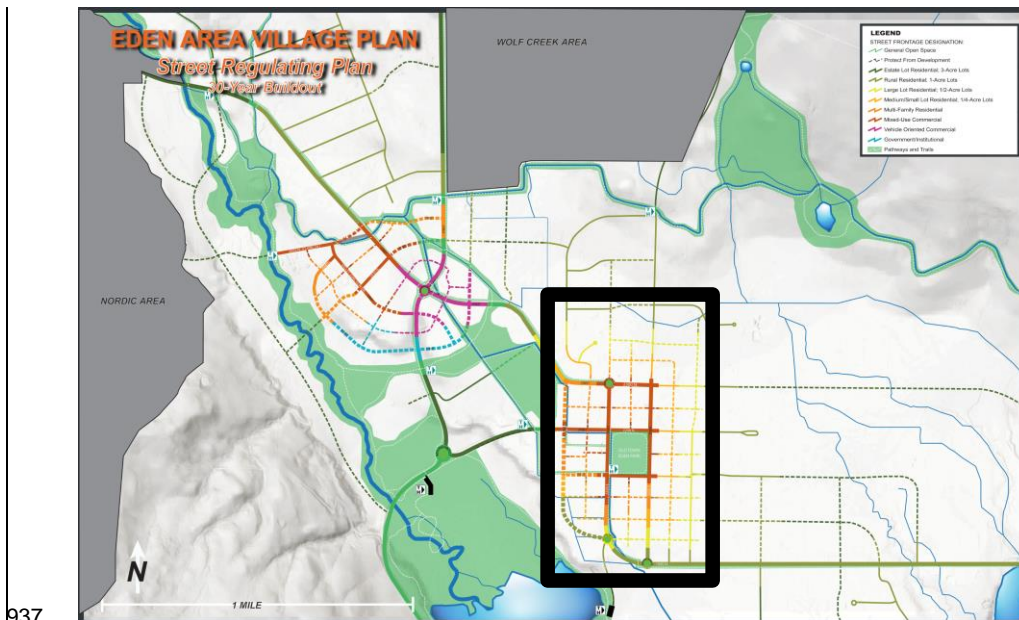
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926 **Sec 104-22-8 Street Regulating Plans**

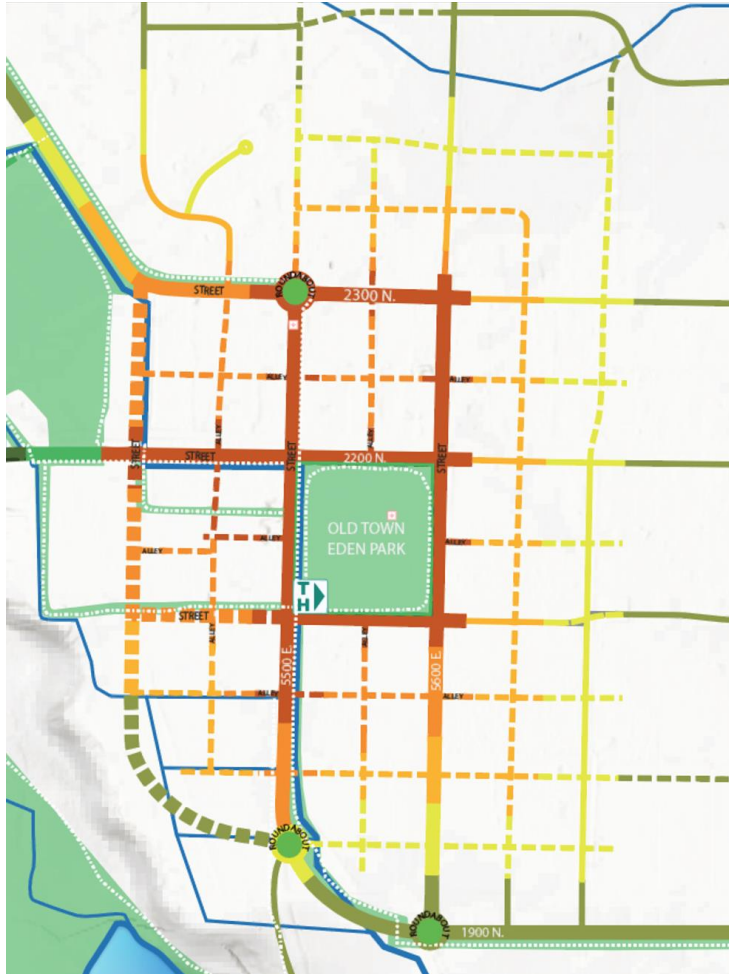
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928 The following maps depict the adopted Street Regulating Plans for their respective areas. The plans
929 illustrate the intended street layout of the area and the designated street types. The plan is intended to
930 be a guide for the placement of streets and mid-block alleys, and is not designed to survey-level accuracy.
931 A mid-block alley shall be as close to the middle of the block as is practicable, and the street placement
932 shall be within 200 feet of the location depicted on these maps. A land owner proposing development in
933 an area that a street or alley is planned shall be responsible for dedicating the land and constructing the
934 street or alley improvements.

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(a) *Old Town Eden Street Regulating Plan Map.*

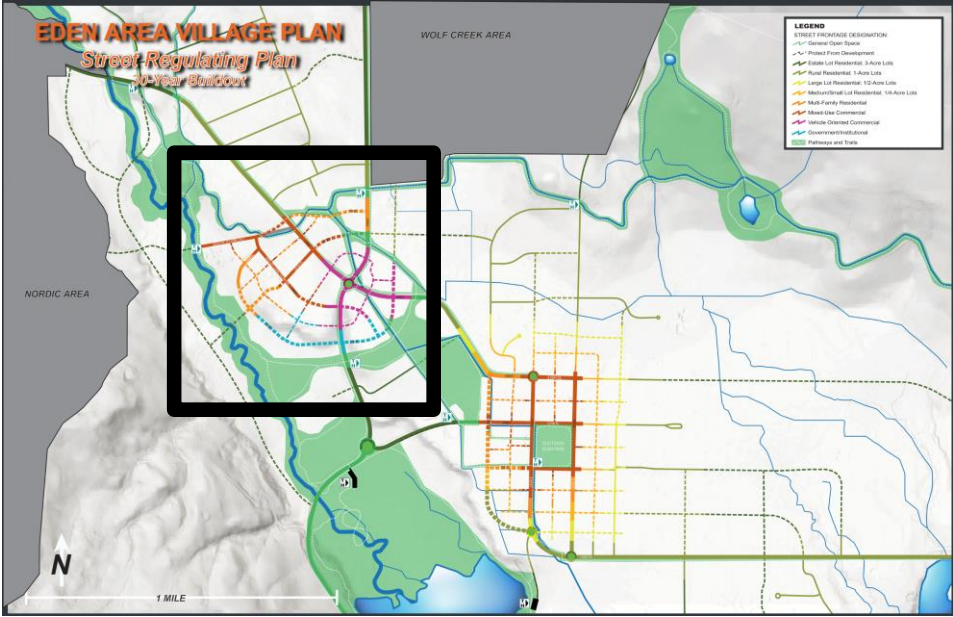


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(b) *New Town Eden Street Regulating Plan Map.*



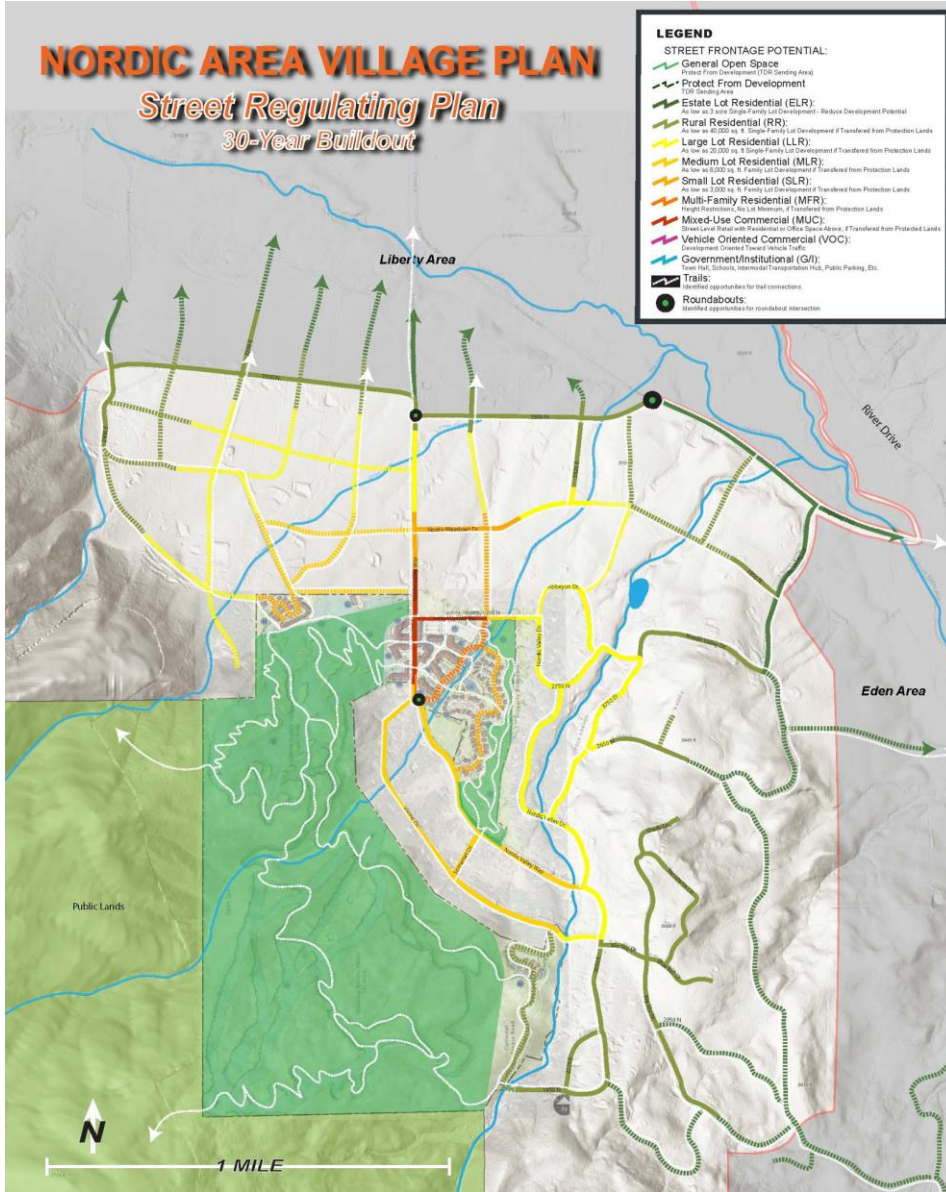
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(C) Nordic Valley Village Area Street Regulating Plan Map.



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HISTORY

Adopted by Ord. [2022-04](#) on 1/18/2022

Sec 104-22-9 Parking and Internal Block Access.

- (a) **Parking required.** Each application for development shall include a parking plan that demonstrates that sufficient parking will be provided by the street parking adjacent to the building or an off-street parking lot within 1000 feet of the building. All parking lots shall be hard-surface asphalt or concrete, [or other hard surface otherwise approved by the County Engineer and local fire authority](#). Street parking not adjacent to the lot's street-frontage shall not be counted in determining that sufficient parking has been provided.
- (b) **Parking flexibility.** Except for residential uses, the Land Use Authority may reduce the minimum parking spaces required if sufficient evidence suggests that the required number of spaces is excessive for the building and proposed use or uses therein.
- (c) **Parking related to a change of use.** If a change of use occurs, more parking may be required if the new use merits it, as determined by the Land Use Authority. The applicant proposing to change the use shall be required to provide the additional off-street parking within 1000 feet of the use.
- (d) **Residential parking.** The minimum required parking for a residential use shall be located off-street within the same block as the residential use.
- (e) **Parking lot trees.** A surface parking lot shall have one tree for each four parking spaces, and a five-foot wide landscape planting area that runs the depth of the parking row shall be located at each end of a parking row.
- (f) **Parking structure design standards.** ~~A parking structure located adjacent to the street shall have street-level commercial space and~~ [When located adjacent to a vehicle-oriented commercial, mixed use commercial, or multi-family commercial street, a parking structure shall have first-floor street-level commercial space along the street's frontage. However, for a corner lot, this requirement applies to the façade that is adjacent to the more prominent street, as determined by the land use authority; the other façade shall have the same for no less than fifty percent of that façade's street frontage. The other fifty percent, and the area of the parking structure above the street level commercial space, shall](#) have a street-facing facade that disguises the parking structure to generally look like other buildings in the area.

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- 995 (f) —
- 996 (g) **Cross-access and cross-access easement.** For all parcels or lots along a governmental or
- 997 institutional, vehicle-oriented commercial, mixed-use commercial, or multi-family residential street,
- 998 providing access to adjacent existing or future development without the need to access the public
- 999 right-of-way is required. This access shall be provided by a mid-block alley, where shown on a
- 1000 street regulating plan, or other alley or shared driveway as may be deemed necessary by the land
- 1001 use authority. When no new alley access is deemed necessary because an alley access or street
- 1002 access is already provided to the lot or parcel through another lot or parcel, then a cross-access
- 1003 easement shall be provided along adjoining lot lines, as follows:
- 1004 (1) A cross access easement shall provide an easement to all landowners in the block that
- 1005 develop along a governmental or institutional, vehicle-oriented commercial, mixed-use
- 1006 commercial, or multi-family residential street that is framing the block. The easement
- 1007 shall allow ingress and egress to these other lots or parcels, including ingress and
- 1008 egress infrastructure.
- 1009 (2) At a minimum, each developed lot or parcel shall have two points of ingress and egress,
- 1010 at least one of which shall be stubbed to adjacent property where practicable. Except
- 1011 that a parking area is allowed to only provide a single access as long as it does not
- 1012 block the accessibility to other areas within the block that are or could be used for public
- 1013 parking.
- 1014 (3) Each parking area that is located within the block and that will be open to the public for
- 1015 public parking shall be designed to extend to the parcel boundary and shall provide a
- 1016 cross access easement along all sides of the parking area abutting the adjacent lot(s)
- 1017 or parcel(s) in a manner that allows the adjoining lot or parcel owner to extend that
- 1018 public parking area seamlessly into their parcel.
- 1019 (4) When locating a cross-access easement or designing the cross-access infrastructure,
- 1020 good faith efforts shall be made to coordinate the location and design with the adjoining
- 1021 land owner.
- 1022 (5) The Planning Director may require the cross-access to be located in a manner that
- 1023 optimizes internal block traffic circulation.
- 1024 (6) Construction of the cross-access infrastructure shall be completed prior to the issuance
- 1025 of a certificate of occupancy for any structure on the lot or parcel, or a completion bond
- 1026 may substitute for completion if allowed by the County Engineer.
- 1027 (7) When a lot or parcel is being developed that abuts an existing cross-access easement
- 1028 or existing cross-access infrastructure, a reciprocal cross-access easement shall be
- 1029 provided on the same lot line or parcel line in the same location and of equal width. The
- 1030 reciprocal cross-access infrastructure shall be constructed to the same standard as, or
- 1031 better than, the existing cross-access infrastructure on the adjacent parcel. A cross-
- 1032 access easement shall be recorded on the title of all affected properties, along with a
- 1033 perpetual operation and maintenance agreement between the property owners that
- 1034 specifies, at a minimum, that the infrastructure will be operated and maintained by the
- 1035 property owners in a manner that is safe and usable for two-way vehicle traffic.
- 1036 (8) If property owners fail to operate or maintain cross-access infrastructure that was
- 1037 required by the County under this section, the County may pursue enforcement
- 1038 measures as provided in this Land Use Code.

1039 HISTORY

1040 *Adopted by Ord. 2022-04 on 1/18/2022*

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1042 **Sec 104-22-10 Signage**

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1044 In addition to the signage regulations in this Land Use Code, no signage shall be affixed to a

1045 building higher than the top of the second story.

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HISTORY

Adopted by Ord. 2022-04 on 1/18/2022

Sec 104-22-11 FBV Transferable development rights

(a) **Density allowance and transferable development rights.** As provided in the Ogden Valley General Plan, the creation of dwelling units in the FBV zone shall not create any new density in the Ogden Valley Planning Area unless otherwise provided in this Land Use Code. To establish the residential dwelling unit rights that exist on a lot or parcel in the FBV zone, or to increase or decrease residential dwelling unit rights on a lot or parcel in the FBV zone, the following apply:

- (1) For a lot or parcel rezoned to the Form-Based Village Zone from a zone that allows residential dwelling units, the base density, as defined in Title 101, Chapter 2, shall be the same as the density that was allowed in the prior zone. This shall be documented by recording a covenant to the lot or parcel that provides a calculation of the base density. The covenant shall run with land, and be between the owner and the County.
- (2) Additional residential dwelling units are permitted on any lot that has street frontage on, or gains primary access from, any street type in the street regulating plan except an Estate Lot Residential ~~rural residential~~ street and a general open space street. However, no ~~new~~ additional density is allowed unless the landowner has successfully negotiated the reallocation of an equal number of dwelling unit rights from another lot or parcel that has an available dwelling unit right, as determined by the lot or parcel's base density and adjusted for any previous dwelling unit right reduction or addition. The reallocation shall be made by recording a covenant to each affected lot or parcel. Each covenant shall run with the land and be between the owner and the County. Each covenant shall document the applicable lot or parcel's calculated base density; the number of dwelling units already developed on the lot or parcel; the number of dwelling unit rights subtracted from, or added to, the base density by any means; and the number of dwelling unit rights remaining for the lot or parcel.
- (3) Residential dwelling unit rights may be transferred to a lot or parcel in a FBV zone from any lot or parcel in the following zones within the Ogden Valley Planning Area: RE-15, RE-20, AV-3, F-5, FV-3, S-1, FR-1, FR-3, RMH-1-6, CVR-1, and FBV.
- (4) Regardless of number of residential dwelling unit rights transferred to a lot or parcel in the FBV zone, the number of dwelling units actually constructed shall be limited by what can be constructed given compliance with the standards of this chapter.
- (5) **Moderate income housing.** At least five percent of a lot or parcel's total number of dwelling units shall be for moderate income housing. Moderate income housing shall be reserved for households earning less than 80 percent of the county's median household income. Moderate income housing will not be deducted from the lot or parcel's development rights and is not required to be established through transferable development rights. Eligibility and long-term monitoring of qualification for moderate income housing is the responsibility of the Weber Housing Authority. If a development is too small to produce moderate income housing, then a fee in lieu of moderate income housing, equaling five percent of the dwelling unit's market value, shall be paid for each dwelling unit in the development. The County Commission, in cooperation with the Weber Housing Authority, may negotiate an equitable trade in place of the requirements of this paragraph, as long as the trade proportionately advances the creation of moderate income housing in the same village area as the development. The trade shall be documented by development agreement.

**PASSED AND ADOPTED BY THE BOARD OF WEBER COUNTY COMMISSIONERS
ON THIS ____ DAY OF _____, 2022.**

Gage Froerer:	AYE____	NAY____	ABSENT____	ABSTAIN____
Jim "H" Harvey:	AYE____	NAY____	ABSENT____	ABSTAIN____
Scott K. Jenkins:	AYE____	NAY____	ABSENT____	ABSTAIN____

Presiding Officer

Attest

Scott K. Jenkins, Chair

Ricky D. Hatch, Clerk

1094

**WEBER COUNTY
ORDINANCE 2022-_____ -SUBSTANDARD TERMINAL STREETS SUBDIVISION ON A
SUBSTANDARD TERMINAL STREET OR STREET ROUTE**

**AN AMENDMENT TO THE WEBER COUNTY LAND USE CODE TO CHANGE THE
CIRCUMSTANCES UNDER WHICH A SUBDIVISION MAY BE CREATED ALONG A
SUBSTANDARD TERMINAL STREET OR STREET ROUTE, AND RELATED CLERICAL
EDITS.**

WHEREAS, The Board of Commissioners of Weber County (Board) has heretofore adopted land use regulations applicable to subdivisions in the unincorporated areas of Weber County; and

WHEREAS, The Board has determined that the existing land use regulations are inadequate and unnecessarily restrictive when applied to a subdivision that is located on a terminal substandard street or route of streets; and

WHEREAS, The Board desires to amend the land use regulations to enable subdivisions to occur along a substandard terminal street or street route under certain conditions and when adequate compensation for the subdivision's impact on the street is received; and

WHEREAS, On May 5, 2020, the Ogden Valley Planning Commission offered a recommendation on the proposed changes; and

WHEREAS, On February 9, 2021, the Western Weber Planning Commission offered a recommendation on the proposed changes; and

NOW THEREFORE, be it ordained by the Board of County Commissioners of Weber County, in the State of Utah, as follows:

SECTION 1: AMENDMENT “Sec 101-2-20 St Definitions” of the Weber County Code is hereby *amended* as follows:

Sec 101-2-20 St ~~Defintions~~Definitions

Temporarily terminal street or temporarily terminal street-route. The terms “temporarily terminal street” or “temporarily terminal street-route” means a street, portion of a street, series of streets, or street-routes that have a single point of entry from the greater public street network, and are only intended to be terminal temporarily until they connect back into the greater public street system through future extensions, as shown in an applicable general plan, small area plan, master streets plan, development agreement, or similar legislatively adopted planning document.

SECTION 2: AMENDMENT “Sec 101-2-20 Su Definitions” of the Weber County Code is hereby *amended* as follows:

AMENDMENT

Sec 101-2-20 Su ~~Defintions~~Definitions

Subdivision. The term "subdivision" means the same as defined in UCA Section 17-27a-103. ~~any land that is divided, resubdivided or proposed to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions.~~

- ~~1. The term "subdivision" includes:

 - ~~1. The division or development land whether by deed, metes and bounds description, devise and testacy, lease, map, plat or other recorded instrument.~~
 - ~~2. Except as provided in subsections (c) and (d) of this definition, divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.~~
 - ~~3. Except as provided in subsections (c) and (d) of this definition, and where this Land Use Code provides the requirement, the term "subdivision" includes a requirement to plat an individual parcel that exists as a result of a past subdivision of land that was created without a subdivision plat.~~
 - ~~4. Except as provided in subsections (c) and (d) of this definition, and where this Land Use Code provides the requirement, the term "subdivision" includes a requirement to plat the resulting parcel when two or more parcels are combined together as one.~~~~
- ~~2. The term "subdivision" does not include:

 - ~~1. A bona fide division or partition of agricultural land for agricultural purposes;~~
 - ~~2. A recorded agreement between owners of adjoining properties adjusting their mutual boundary if:

 - ~~1. No new lot is created; and~~
 - ~~2. The adjustment does not violate applicable land use ordinances;~~~~
 - ~~3. A recorded document, executed by the owner of record

 - ~~1. Revising the legal description of more than one contiguous unsubdivided parcel of property into one legal description encompassing all such parcels of property; or~~
 - ~~2. Joining a subdivided parcel of property to another parcel of property that has not been subdivided, if the joinder does not violate applicable land use ordinances;~~~~
 - ~~4. A bona fide division or partition of land in a county other than a first class county for the purpose of siting, on one or more of the resulting separate parcels:

 - ~~1. An electrical transmission line or a substation;~~
 - ~~2. A natural gas pipeline or a regulation station; or~~
 - ~~3. An unmanned telecommunications, microwave, fiber optic, electrical, or other utility service regeneration, transformation, retransmission, or amplification facility;~~~~
 - ~~5. A recorded agreement between owners of adjoining subdivided properties adjusting their mutual boundary if:

 - ~~1. No new dwelling lot or housing unit will result from the adjustment; and~~
 - ~~2. The adjustment will not violate any applicable land use ordinance;~~~~
 - ~~6. A bona fide division or partition of land by deed or other instrument where the land use authority expressly approves in writing the division in anticipation of further land use approvals on the parcel or parcels; or~~
 - ~~7. A parcel boundary adjustment.~~
 - ~~8. The joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a subdivision under this definition as to the unsubdivided parcel of property or subject the unsubdivided parcel to the county's subdivision ordinance.~~~~

Subdivision, small. The term "small subdivision" means:

- (a) A subdivision ~~consisting of that has three~~nine or fewer lots ~~and for which no streets will be created or realigned;~~
- (b) An amended subdivision ~~consisting of that has five~~nine or fewer lots ~~and for which no streets will be created or realigned;~~ or
- (c) A final plat of a subdivision phase ~~that~~consisting of ~~has nine~~five or fewer lots, which has a valid preliminary approval by the planning commission and meets all conditions of preliminary approval, including proposed street layouts and phasing plan. ~~The county commission will have to accept the roads and the financial guarantee, unless under \$25,000.00.~~

SECTION 3: AMENDMENT "Sec 106-2-2.4 Minor Terminal Streets" of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 106-2-2.4 ~~Minor~~ Terminal Streets

(a) Permanently terminal street.

(1) Maximum length and number of lots. ~~A Minor permanently terminal streets (cul-de-sacs or dead-end) proposed in the subdivision of flat land where topography presents no barriers to development, or permanently terminal street-route shall:~~

- a. Serve no more than 15 subdivision lots or lots of record as defined by Section 101-2;
- b. Provide access to no more than 30 total dwelling units; and
- c. Have a maximum length of 650 feet.~~to the beginning of the turnaround~~14. This length shall be measured from the point at which the street or street-route becomes terminal to the furthest extent along the terminal street or terminal street-route. If the terminal street or terminal street-route loops back onto itself, the furthest extent shall be the midpoint of the loop.

(2) Alternative allowance due to constraints. If approved by the local fire authority, a permanently terminal street or street-route may serve a maximum of 30 subdivision lots or lots of record, and the maximum length of the street may be waived by the Land Use Authority, as long as the topography or other constraints of the land in the vicinity will not reasonably allow for a street connection to make the street or street-route non-terminal. ~~Minor terminal streets (cul-de-sacs) proposed in the subdivision of foothill or mountainous lands where topography dictates or limits the options in road design to a considerable extent, the planning commission will establish a maximum length based upon each individual situation. As a guide for design, a maximum length of 2,000 feet to the beginning of the turnaround is established. Each~~

(3) Turn-around required. A terminal street ~~cul-de-sac~~ shall be terminated by a

turnaround of not less than 100 feet diameter, or as otherwise required by the local fire authority or the County Engineer. ~~in subdivisions below elevation 4,900 feet and of not less than 110 feet diameter in subdivisions above elevation 4,900 feet.~~ If ~~surface~~stormwater drainage ~~is~~drains into the turnaround, ~~due to the grade of the street, if necessary,~~ a storm water catchbasins and drainage easements shall be provided.

(b) Temporarily terminal street.

- (1) **Parameters.** An applicant may extend a temporarily terminal street or street-route beyond the lot limit, dwelling unit limit, and maximum length specified in Subsection (a) of this section only if the extension:
 - a. Can be defined as a temporarily terminal street or temporarily terminal street-route, as defined in Section 101-2 of this Land Use Code;
 - b. Runs along the general alignment of a future street, as shown in an applicable general plan, small area plan, master streets plan, development agreement, or similar legislatively adopted planning document.
 - c. Reduces the distance between the terminal street and the greater interconnected public street network, as measured along the general alignment of the planned street; and
 - d. Complies with the requirements of the Local Fire Authority.
- (2) **Number of lots allowed and emergency egress requirements.** A secondary emergency egress and fire access road, as approved by the Local Fire Authority, shall connect the temporarily terminal street to the greater interconnected street network before more than 30 residential lots are allowed to gain sole-access from the temporarily terminal street or route. Additionally, approval shall not be granted for more than 30 residential lots or 30 dwelling units between the nearest secondary emergency egress and the terminus of the temporarily terminal street or route.
- (3) **Turn-around required.** A temporarily terminal street shall have a temporary turn-around at the terminus that complies with minimum requirements of the local fire authority or the County Engineer. The temporary turn around shall remain available and usable by any user of the street so long as the dead-end condition exists.

SECTION 8: **AMENDMENT** “Sec 106-2-2.2 Major And Collector Streets” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 106-2-2.2 ~~Major~~ Arterial And Collector Streets

~~Major~~Unless specified otherwise in this Land Use Code or a legislatively adopted development agreement, ~~an arterial and/or~~ collector streets shall conform to the right-of-way width designated on the master street plan, ~~wherever a subdivision falls in an area for which a master street plan has been adopted. For territory where such street plan has not been completed at the time the preliminary plan is submitted to the planning commission, major or collector streets shall be provided as required by the planning commission, with minimum widths of 80 or 100 feet for major streets and 66 feet for collector streets.~~

PASSED AND ADOPTED BY THE WEBER COUNTY BOARD OF COUNTY COMMISSIONERS _____.

	AYE	NAY	ABSENT	ABSTAIN
Gage Froerer	_____	_____	_____	_____
Jim "H" Harvey	_____	_____	_____	_____
Scott K. Jenkins	_____	_____	_____	_____
Presiding Officer			Attest	

Scott K. Jenkins, Board of
Commissioners Chair, Weber County

Ricky D. Hatch, CPA, Clerk/Auditor Weber
County